"बिजनेस पोस्ट के अन्तर्गत डाक शुल्क के नगद भुगतान (बिना डाक टिकट) के प्रेषण हेतु अनुमत. क्रमांक जी. 2-22-छत्तीसगढ़ गजट/38 सि. से. भिलाई, दिनांक 30-5-2001."

पंजीयन क्रमांक "छत्तीसगढ़/दुर्ग/09/2010-2012."



छत्तीसगढ़ राजपत्र

(असाधारण)

प्राधिकार से प्रकाशित

क्रमांक 62] रायपुर, शुक्रवार, दिनांक 4 मार्च 2011—फाल्गुन 13, शक 1932

Chhattisgarh State Electricity Regulatory Commission
Irrigation Colony, Shanti Nagar, Raipur

Raipur, the 4th March 2011

No. 35/CSERC/2011.—In exercise of powers conferred by section (30), 39 (2) (d), 40 (c), 42 (2, 3), 86 (1)(c) read with Section 181 (1) of the Electricity Act, 2003, the Chhattisgarh State Electricity Regulatory Commission hereby makes the following Regulations related to Intra-State Open Access in Chhattisgarh. On commencement of these Regulations, the Chhattisgarh Electricity Regulatory Commission (Intra-State Open Access in Chhattisgarh) Regulations, 2005 and amendments notified shall stand repealed.

CHHATTISGARH STATE ELECTRICITY REGULATORY COMMISSION (CONNECTIVITY AND INTRA-STATE OPEN ACCESS) REGULATIONS, 2011

PART 1
PRELIMINARY

1. Short Title and Commencement

(1) These regulations shall be called the Chhattisgarh State Electricity Regulatory Commission (Connectivity and Intra-State Open Access) Regulations, 2011.

(2) These regulations shall come into force from the first day of the calendar month coming after the date of their publication in Chhattisgarh Rajpatra.

2. Extent of Application

These regulations shall apply to open access customers for use of intra-State transmission system and/or the distribution systems of licensees in the State, including such system when it is used in conjunction with inter-State transmission system.

3. Definitions

(1) In these regulations, unless the context otherwise requires:

a. **"Act"** means the Electricity Act, 2003 (36 of 2003);

b. **"Applicant"** means a generating station including a captive generating plant, a bulk consumer, a captive user, an electricity trader or a distribution licensee, in respect of long-term open access or medium-term open access or short-term open access, as the case may be;

c. **"Allotted Capacity"** means the power transfer in MW between the specified point(s) of injection and point(s) of drawal allowed to a long-term/medium-term open access customer on the intra-State transmission system and the expression "allotment of capacity" shall be construed accordingly;

d. **"Bulk consumer"** means a consumer who avails supply at voltage of 33 KV and above;

e. **"Bilateral transaction"** means a transaction for exchange of energy (MWh) between a specified buyer and a specified seller, directly or through a trading licensee or discovered at power exchange through anonymous bidding, from a specified point of injection to a specified point of drawl for a fixed or varying quantum of power (MW) for any time period.

f. **"Central Commission"** means the Central Electricity Regulatory Commission referred to in Section 76 of the Act

g. **"Commission"** means the Chhattisgarh State Electricity Regulatory Commission referred to in sub-section (1) of section 82 of the Act;

h. **"Connectivity"** for a generating station, including a captive generating plant, a bulk consumer, a captive user, distribution licensee or an transmission licensee means the state of getting connected to the intra-State transmission system and/or distribution system;

i. **"Day"** means the day starting at 00.00 hours and ending at 24.00 hours;

j. **"Detailed procedure"** means the procedure approved by the Commission.

k. **"IEGC"** means Indian Electricity Grid Code Specified by Central Electricity Regulatory Commission under Regulation (h) of sub-section (1) of section 79 of the A ct, and as amended from time to time;

l. **"Intra-State entity"** means a person whose metering, scheduling and energy accounting is done at the State level;

m. **"Intra-State requester"** means a person such as generating company including captive generating plant or a transmission licensee (excluding Central Transmission Utility and State Transmission Utility) or distribution licensee or bulk consumer or captive user who is seeking connection of its new or expanded electrical plant to the State grid at voltage level 33 KV and above;

n. **"Intra-State user"** means a person such as a generating company including captive generating plant or transmission licensee (other than CTU and STU) or distribution licensee or bulk consumer

including captive user whose electrical plant is connected to the State grid at voltage level of 33 KV and above,

o. **"Interface meters"** means meters installed at interface point in accordance with the Central Electricity Authority (Installation and Operation of Meters) Regulations, 2006, specified by the Central Electricity Authority and amended from time to time;

p. **"Inter-connection point** "means a sub-station or switchyard or any other point at which the interconnection is established between the intra-state requester and State grid.

q. **"Long-term open access"** means the right to use the intra-State transmission system and/or distribution system for a period exceeding 12 years but not exceeding 25 years;

r. **"Long-term open access customer"** means a person who has been granted long-term open access;

s. **"Medium-term open access"** means the right to use the intra-State transmission system and/or distribution system for a period exceeding 1 year but not exceeding 7 years;

t. **"Medium-term open access customer"** means an open access customer who has been granted medium-term open access

u. **"Month"** means a calendar month as per the British calendar;

v. **"Nodal agency"** means the State Transmission Utility or transmission licensee or SLDC or distribution licensee referred to in table-1 and regulation 12(3) thereof;

w. **"Open access customer"** means a consumer permitted to receive supply of electricity from a person other than the distribution licensee of his area of supply, or a generating company (including captive generating plant) or a licensee or a captive user who has availed of or intends to avail of long-term open access or medium-term open access or short-term open access, as the case may be;

x. **"Reserve capacity'** means the power transfer (in MW or MU) for bilateral transaction and collective transaction allowed to a short-term open access customer on the intra-State transmission system and/or distribution system depending on availability of transmission capacity and/or capacity of distribution system and expression **"reservation of capacity" shall be construed accordingly;**

y. **"Short-term open access"** means open access for a period up to one (1) month at one time·

z. **"Short-term open access customer"** means an open access customer who has been granted short-term open access;

aa. **"SLDC"** means the State Load Dispatch Centre established under subsection (1) of section 31 of the Act;

bb. **"State grid"** means the intra-State transmission system owned by the State Transmission Utility, transmission licensee and/or the network of any other person who has been granted licence by the Commission to establish or operate distribution lines within the State;

cc. **"State Grid Code"** means the State Grid Code specified by the Commission under Regulation (h) of sub-section (1) of section 86 of the Act;

dd. **"Stranded capacity"** means the transmission capacity in the intra-State transmission system and/or distribution system which is likely to remain unutilized due to relinquishment of access rights by a long-term open access customer in accordance with regulation 20.

ee. **"time block"** means 15 minutes time period specified in the Grid Code for the purposes of scheduling and despatch;

(2) Words and expressions used in these regulations and not defined herein. but defined in the Act or the State Grid Code or any other regulations specified by the Commission shall, unless the context otherwise requires, have the meanings assigned to them under the Act or the State Grid Code or other regulations specified by the Commission, as the case may be.

PART. 2
GENERAL PROVISIONS

4. Scope

These Regulations, after they come into force, shall be applicable to the grant of connectivity to the State grid, use of intra-State transmission system and/or distribution system including such system when it is used in conjunction with inter-state transmission system for long-term open access, medium-term open access and short-term open access,

Provided that a generating station, including captive generating plant or a bulk consumer or a captive user who is not connected to State grid cannot apply for long-term open access or medium-term open access without applying for connectivity:

Provided further that a person may apply for connectivity and long-term open access or medium-term open access simultaneously.

5. Eligibility for open access

(1) Subject to the provisions of these regulations, intra-State users or an applicant seeking open access for one MW and above shall be eligible for open access to the intra-state transmission system of the STU and/or any other transmission licensee and / or distribution system of distribution licensee.

(2) Such open access shall be available for use by an open access customer on payment of such charges as may be determined by the Commission from time to time.

(3) An intra-State user or an applicant having been declared insolvent or bankrupt or having outstanding dues against him of transmission or distribution licensee or fees and charges of SLDC shall not be eligible for open access. The nodal agency shall not grant open access to the intra-State user or applicant, who had defaulted in payment of Unscheduled Interchange charges, transmission charges, wheeling charges, reactive energy charges, congestion charges etc-and fees and other charges of SLDC for a period exceeding one month from the due date of bill.

(4) If the applicant is an electricity trader, it must submit a copy of valid trading license issued by Central Commission or Commission, as applicable.

(5) Open access shall be permissible to the intra-State users having connectivity through a dedicated feeder emanating from a grid sub-station of licensee with online data communication facilities to SLDC.

Provided further that the bulk consumers who are not connected through dedicated feeders shall be allowed open access subject to conditions that they have on line data communication facilities to SLDC and agree to load restrictions, if any, imposed by the licensee on the feeders serving them.

(6) Such generating company or captive generating plant or seller which has entered into a power purchase agreement for sale of electricity to a licensee or consumer shall not, in case of premature termination of the agreement, be eligible for using State grid for transmission and wheeling of electricity for a period of three years from the date of termination of such agreement or till the scheduled date of expiry of power purchase agreement whichever is earlier, if any order or ruling is found to have been passed by an Appropriate Commission or a competent court against the generating company for material breach of the terms and conditions of the said power purchase agreement.

6. Provisions for Existing Entities

The persons using the intra-state transmission system and / or distribution system in the State on the date of coming into force of these regulations, under an existing agreement / contract shall be entitled to continue to avail such open access to the transmission and distribution system on the same terms and conditions, of existing agreement / contract.

7. Criteria for allowing open access

(1) Before awarding long-term open access, the State Transmission Utility and / or distribution licensee shall give due regard to the augmentation of

intra-State transmission system and / or distribution system proposed under the business plan approved by the Commission.

(2) Medium-term open access shall be granted if the resultant power flow can be accommodated in the existing intra-state transmission system and/or distribution system.

Provided that no augmentation shall be carried out to the intra-State transmission system and/or distribution system only for the purpose of granting medium-term open access:

(3) The short-term open access customer shall be eligible for short-term open access for the surplus capacity available on the intra-State transmission system and/or distribution system after use by the long-term open access customer and the medium-term open access customer, by virtue of-

(a) inherent design margins;

(b) margins available due to variation in power flows; and

(c) Margins available due to in-built spare transmission capacity and/or distribution capacity created to cater to future load growth or generation addition.

(4) Construction of a dedicated transmission line shall not be construed as augmentation of the transmission system and/or distribution system for the purpose of this regulation.

8. Relative allotment priority

(1) A distribution licensee shall have the highest priority in the allotment of open access capacity whether in the long-term or medium term or short-term open access.

(2) The applicant seeking long-term open access shall have priority over the applicant seeking medium-term open access for use of the intra-State transmission system and/or distribution system.

(3) The applicant seeking long-term open access and the medium-term open access shall have priority over the short-term open access for use of the intra-State transmission system and/or distribution system.

(4) Applications for long-term open access or medium-term open access shall be processed on first-come-first-served basis separately for each of the aforesaid types of access:

Provided that applications received for long term open access and medium term open access during a calendar month shall be construed to have arrived concurrently;

Provided further that while processing applications for medium-term open access received during a month, the application seeking open access for a longer duration shall have higher priority;

Provided also that in the case of applications for long-term open access requiring planning or augmentation of transmission system, such planning or augmentation, as the case may be, shall be considered on 30th of June and 31st of December in each year in order to develop a coordinated transmission plan, in accordance with the perspective transmission plans approved by the Commission.

9. Interface Meters

(1) Interface meters (main meter) shall be installed and maintained by the State Transmission Utility or transmission licensee or distribution licensee for and at the cost of the intra-State requester seeking connectivity at STU or transmission licensee or distribution licensee system as the case may be.

(2) Interface meters (main meter) shall be installed and maintained by the State Transmission Utility or transmission licensee or distribution licensee for and at the cost of the intra-state user connected to STU or transmission licensee or distribution licensee as the case may be.

(3) The check meters having separate metering equipments shall be installed owned and maintained by the STU/transmission licensee/distribution licensee as the case may be.

(4) The intra-state requester or intra-State user or applicant shall provide necessary facilities for voice and data communication and transfer of online operational data such as voltage, frequency, load flow, etc. The State Transmission Utility or transmission licensee as the case may be

shall install such infrastructure facilities for and at the cost of the intra-State requester or intra-State user or applicant.

(5) The metering at the inter-connection point for main meters and check meters shall be as ABT compatible meters. All matters and arrangements relating to metering shall be governed by CEA (Installation and Operation of meter), Regulation, 2006 and as per the provisions of Chhattisgarh State Grid Code, 2007, as amended time to time. The interface meters for measuring the quantum of energy injected into the grid by generator or captive generating plant shall be installed at the grid sub-station of licensee. For bulk consumers availing power through open access, the interface meter for measurement of energy drawal shall be installed in consumers premises.

(6) The main and check meters shall always be maintained in good condition and periodically tested and calibrated by the concerned licensee in the presence of the open access customer. The meters shall be sealed in the presence of both parties. Defective meters shall be replaced immediately.

(7) Reading of the main and check meters shall be taken periodically, on appointed date and hour, by an officer of the concerned licensee authorized for the purpose, and the open access customer or his representative, as the case may be. Meter reading shall be communicated to the nodal agency and the open access customer, as the case may be, by the licensee, within 24 hours of such reading.

(8) If in any month the readings of main and check meter differs from the reading of corresponding check meter beyond permissible accuracy limit, as prescribed, the main and check meters shall be tested in turn and errors at various levels as per standard procedure would be determined and billing shall be done accordingly.

(9) When main meter is found to be defective or has stopped, reading of the check meter shall be considered for billing purpose subject to condition that the check meter has been found working properly.

(10) In case of outage of both the main and check meters, if any energy is interchanged in the intervening period the assessment has to be done on the basis of reading recorded in generator's sending end meter if found

working properly by considering average of previous 3 months percentage line loss when both interface meter and generators meter were found working properly.

(11) In case of outage of both the main meters and check meters so also generator's sending end meters, the energy injected into the State grid may be assessed on the basis of average of previous three months energy loss calculated of the respective sub-station of licensee when main/check meters were working properly.

(12) In case the meter installed in the premises of bulk consumer who is availing open access becomes defective, the assessment of energy drawl is to be done as per the provisions specified for consumers in Chhattisgarh State Electricity Supply Code as amended from time to time.

PART 3

CONNECTIVITY

10. Grant of Connectivity

(1) The voltage level for injection of power by a generating station/captive generating plant to the intra-state transmission system and distribution system with reference to quantum of injected power shall be as specified in the State Grid Code.

(2) The voltage level for drawl of power by a consumer from the intra-state transmission system and distribution system (i.e. sum of quantum of open access power and contract demand with licensee shall be as specified in the Supply Code.

(3) Application procedure for Connectivity

(i) Connectivity to STU system

a. The Application shall be accompanied by a non-refundable fee specified in Table-1 of these regulations.

b. The application for connectivity shall be submitted to nodal agency in prescribed format which shall contain details such as, proposed geographical location of the intra-State requester, quantum of maximum power to be interchanged, that is the quantum of maximum power to be injected and quantum of maximum power to be drawn with the intra-State transmission system and such other details as may be laid down in the detail procedure.

c. Provided that in cases where once an application has been filed and thereafter there has been any material change in the location of the intra-State requester or change in the quantum of maximum power to be interchanged with the intra-State transmission system, the intra-State requester shall have to make a fresh application, which shall be considered in accordance with these regulations.

d. On receipt of the application, the nodal agency, in consultation and through coordination with other agencies involved in bilateral transaction, shall process the application and carry out the necessary interconnection study as specified in the Central Electricity Authority

(Technical Standards for Connectivity to the Grid) Regulations, 2007 or as amended from time to time.

e. When a generating station including captive generating plant or licensee is an intra-State requester the interconnection point shall be the substation of the licensee and the cost of interconnection shall be borne by the intra-State requester (other than State distribution licensee). While granting connectivity, the nodal agency shall specify the name of the sub-station or pooling station or switchyard where connectivity is to be granted. The nodal agency shall intimate the timeframe for completion of the dedicated transmission line, if it is to be executed by licensee. In case the line work is to be executed by intra state requester the broad design features of the dedicated transmission line and other technical specifications can be provided by nodal agency on payment of necessary charges.

f. The intra-State requester and the State Transmission Utility shall comply with the provisions of Central Electricity Authority (Technical Standards for Connectivity to the Grid) Regulations, 2007 or as amended from time to time.

g. Every connection of the intra-state requester system to the State Transmission Utility system shall be covered by a connection agreement between the intra-State requester and State Transmission Utility. The intra-state requester granted connectivity will be required to sign "Connection Agreement" with STU prior to the physical inter-connection

(ii) Connectivity to system of intra-state transmission licensee (other than STU)

a. This Regulation 3(ii) shall be applicable if the power is proposed to be injected and/or drawn from intra-state transmission licensee (other than STU) system and if there is no involvement of STU system in proposed transaction. The procedure specified in Regulation (3)(i) above shall, mutatis mutandis, apply to cases of intra-State requester seeking connectivity to intra-State licensees system (other than STU) However, every connection of the intra-state requester system to the intra-State transmission system (other than STU) shall be covered by

a connection agreement between the intra-State requester and transmission licensee and the State transmission utility (tri-partie agreement).

(iii) Connectivity to distribution licensee

a. The procedure specified in Regulation (3)(i) above shall, mutatis mutandis, apply to cases of intra-State requester seeking connectivity to distribution licensees system.

b. Every connection of the intra-state requester system to the distribution licensees system shall be covered by a connection agreement between the intra-State requester and distribution licensee.

(4) The grant of connectivity shall not entitle an intra-State requester to interchange any power with the grid unless it obtains long-term open access, medium-term open access or short-term open access.

(5) A generating station, including captive generating plant which has been granted connectivity to the State grid shall be allowed to undertake testing including full load testing by injecting its infirm power into the grid before being put into commercial operation, even before availing any type of open access, after obtaining permission of the State Load Despatch Centre, which shall keep grid security in view while granting such permission. The charges for testing and tariff of this infirm power from a generating station or its unit thereof, shall be as determined by the Commission from time to time. Before injecting infirm power, the generating station including captive generating plant, shall have agreement with distribution licensee to supply infirm power otherwise it may not entitled for payment of such infirm power.

(6) The intra-State user already connected to State grid or for which connectivity is already granted under the present arrangement, shall not be required to apply for connectivity for the same capacity. However, in case of extension of capacity of generator including captive generating plant or increase in power requirement of bulk consumer, including captive user it shall be required to make fresh application for modification in connectivity arrangement as per the provisions of Regulations and

detail procedure and shall be treated as an intra-State requester. The existing intra-State user shall however be required to execute a connection agreement with the licensee.

(7) An intra-state requester will have option to construct dedicated line upto the inter-connection point to enable connectivity to the grid.
If an intra-State user is a generating station or captive generating plant it can operate and maintain its dedicated transmission line.

Table-1 Connectivity

S No	Licensees system where Connectivity required	Nodal agency	Applicant	Max. Quantum of Power to be injected / offtaken into / from intra-state transmission system and / or distribution system	Application fee (Rs in lakhs)	Time frame for processing of application and execution of work
1	STU	STU	Generating company or captive generating plant	1 MW and above and up to 50 MW	2	1. Informing feasibility after receipt of the application-30 working days. 2.Issue of demand note of estimate charges after issue of notice of feasibility -60 working days ie Maximum 90 working days for processing application from date of receipt of complete application 3. Time frame for execution of connectivity shall be as specified in supply code for EHT connection
				More than 50 MW and up to 250 MW	4	
				More than 250 MW and up to 1000 MW	6	
				More than 1000 MW	9	
			Bulk Consumer, captive user	1 MW and above and up to 50 MW	2	As above
				More than 50 MW	4	
			Licensees	To be specified in detailed procedure		
2.	Transmission licensee other than STU	Transmission licensee	Generating company or captive generating plant	1 MW and above and up to 50 MW	2	Same as for STU
				More than 50 MW and up to 250 MW	4	
				More than 250 MW	6	
			Bulk Consumer, captive user	1 MW and above and up to 50 MW	2	Same as for STU
				More than 50 MW	4	
			Licensees	To be specified in detailed procedure		
3	Distribution licensee	Distribution licensee	Generating company or captive generating plant	15 MW and below	2	As per the provision in supply code for HT connection
			Bulk Consumer, captive user	1 MW to 9 MW	2	As per the provision in supply code for HT connection

Part-4

Procedure for availing open access

11. Categories of Open Access Customer

The procedure for application, application fee payable and the time frame for processing request of applicant seeking open access shall be based on the following criteria:

(1) Inter-se location of drawl and injection points:

(i) Inter-se location of injection and drawl point is at State Transmission System (STU) system

(ii) Inter-se location of injection and drawl point is at intra-state transmission licensee (other than STU) network and there is no involvement of STU network for conveyance of electricity.

(iii) Inter-se location of injection and drawl point is at STU network and intra-state transmission licensee (other than STU) network or vice versa, i.e. network of both licensees are used for conveyance of electricity.

(iv) Inter-se location of injection and drawl point is at intra-state transmission system (STU/transmission licensee) and distribution licensees system respectively.

(v) Inter-se location of injection and drawl point is at distribution licensees system and intra-state transmission system (STU / transmission licensee) respectively.

(vi) Inter-se location of injection and drawl point is at same distribution licensee system and there is no involvement of intra-state transmission system for conveyance of electricity.

(vii) Inter-se location of injection and drawl point is at same distribution licensee system and there is involvement of intra-state transmission system for conveyance of electricity.

(viii) Inter-se location of injection and drawl point is within the same State but in areas of different distribution licensees.

(ix) Inter-se location of injection and drawl point is in different State (inter-State open access).

(2) Duration of Open Access

(i) Long term open access

(ii) Medium-term open access

(iii) Short-term open access

12. Application procedure for Open Access

(1). All applications for long-term open access, medium-term open access and short-term open access shall be made in the prescribed form as approved in the detailed procedure and submitted to the Nodal agency in accordance with these regulations.

(2) All applicants seeking open access shall submit an undertaking or declaration of not having entered into PPA or any other bilateral agreement for the capacity (quantum of power) for which open access is sought.

Provided further that in case where bilateral agreement exists between applicants and the licensee or buyer or seller as the case may be, for the proposed capacity for open access, "no objection" may be obtained by the applicant from the concerned licensee, buyer or seller as the case may be for the period of open access sought. The applicant shall submit such no objection certificate to the nodal agency while submitting application for open access.

(3) The Nodal agency, Application fee, Documents to accompany the application and time frame for disposal of application shall be as specified in the following Tables :

Table-2

Long-term open access

S. No.	Inter-se location of drawal and injection point	Nodal agency	Application fee (Rs. in lakhs)	Documents to accompany the application	Time frame for disposal of application (days from the receipt of application)
1	Both in the network of STU	STU	2	Proof of payment of Application fee, Bank Guarantee, PPA or Sale-purchase agreement of power, In case of generating station or consumer not already connected to grid, documentary evidence for completion of the connectivity showing that the same shall be completed before intending date of LTOA. Declaration that there is no existing agreement for the capacity(quantum of power) for which open access is sought	90 working days . Disposal of application shall mean sanction of LTOA.
2	Both in the network of intra-state transmission licensee network (other than STU) and there is no involvement of STU network for conveyance of electricity.	Concerned Transmission licensee	2	As above	As above
3	The injection and drawl point is located at STU network and intra-state transmission licensee (other than STU) network or vice versa.	STU	4	As above. Additional requirement of consent of transmission licensee	90 working days
4	The injection and drawl point is at intra-state transmission system and distribution licensees system respectively	STU	4	Same as above. Additional requirement of consent of distribution licensee	-do-
5	The injection and drawl point is at distribution licensees system and intra-state transmission system respectively.	STU	4	Same as above. Additional requirement of consent of distribution licensee	-do-
6	Both within the same Distribution licensee and there is no involvement of state transmission network	Concerned Distribution Licensee	2	As above	-do-
7	Both within the same Distribution licensee but there is involvement of state transmission network in conveyance of electricity	STU	4	Same as above. Additional requirement of consent of distribution licensee	As above
8	Both within the same State but different Distribution Licensees	STU	4	Same as above. Additional requirement of consent of distribution licensee	As above

Table-2					
Long-term open access					
S. No.	Inter-se location of drawal and injection point	Nodal agency	Application fee (Rs. in lakhs)	Documents to accompany the application	Time frame for disposal of application (days from the receipt of application)
9	In different States (inter-State open access)	CTU	As per Central Commission's Regulation	Proof of payment of Application fee, PPA or Sale-purchase agreement of power, In case of generating station not already connected to grid, documentary evidence for completion of the connectivity showing that the same shall be completed before intending date of LTOA, Consent from concerned SLDCs and Distribution licensees as applicable. Declaration that there is no existing agreement for the capacity for which open access is sought. Other documents as specified by Central Commission.	As per Central Commission's Regulation

Note: The application fee for consent from transmission licensee /distribution licensee shall be Rs 2 lakhs

Table-3					
Medium-term open access					
S. No.	Inter-se location of drawal and injection point	Nodal agency	Application fee (Rs. In lakhs)	Documents to accompany the application	Time frame for disposal of application (days from the receipt of application)
1	Both in the network of STU	STU	1	Proof of payment of Application fee, Bank Guarantee, PPA or Sale-purchase agreement of power, In case of generating station or consumer not already connected to grid, documentary evidence for completion of the connectivity showing that the same shall be completed before intending date of MTOA. Declaration that there is no existing agreement for the capacity for which open access is sought	30 working days
2	Both in the network of intra-state transmission licensee (other than STU) network and there is no involvement of STU network for conveyance of electricity.	Concerned Transmission licensee	1	As above	As above

Table-3

Medium-term open access

S. No	Inter-se location of drawal and injection point	Nodal agency	Application fee (Rs. In lakhs)	Documents to accompany the application	Time frame for disposal of application (days from the receipt of application)
3	The injection and drawl point is located at STU network and intra-state transmission licensee (other than STU) network or vice versa .	STU	2	As above .Additional requirement of consent of transmission licensee.	40 working days
4	The injection and drawl point is at intra-state transmission system and distribution licensees system respectively	STU	2	Same as above. Additional requirement of consent of distribution licensee	30 working days.
5.	The injection and drawl point is at distribution licensees system and intra-state transmission system respectively.	STU	2	Same as above. Additional requirement of consent of distribution licensee	30 working days.
6	Both within the same Distribution licensee and there is no involvement of state transmission network	Concerned Distribution Licensee	1	As above	30 working days.
7	Both within the same Distribution licensee but there is involvement of state transmission network in conveyance of electricity	STU	2	Same as above. Additional requirement of consent of distribution licensee	30 working days.
8	Both within the same State but different Distribution Licensees	STU	2	Same as above. Additional requirement of consent of both distribution licensees.	30 working days.
9	In different States i.e. inter State	CTU	As per Central Commission Regulation.	Proof of payment of Application fee, PPA or Sale-purchase agreement of power, In case of generating station not already connected to grid, documentary evidence for completion of the connectivity showing that the same shall be completed before intending date of MTOA, Consent from concerned SLDCs and Distribution licensees as applicable. Declaration that there is no existing agreement for the capacity for which open access is sought. Other documents as specified by Central Commission.	As per Central Commission's Regulation

Note: The application fee for consent from transmission licensee / distribution licensee shall be Rs 1 lakhs.

Table-4					
Short-term open access					
S. No.	Inter-se location of drawal and injection point	Nodal agency	Application fee (Rs.)	Documents to accompany the application	Time frame for disposal of application (days from the receipt of application)
1	Both in the network of STU	SLDC	2500	Proof of payment of Application fee. Declaration that there is no existing agreement for the capacity for which open access is sought .	10 working days in case STOA applied for first time. 7 working days on subsequent STOA applications. 2 working days for informing deficiency or defect in application.
2	Both in the network of intra-state transmission licensee (other than STU) network and there is no involvement of STU network for conveyance of electricity.	Concerned Transmission licensee	2500	As above	As above
3	The injection and drawl point is located at STU network and intra-state transmission licensee (other than STU) network or vice versa	SLDC	5000	As above. Additional requirement of consent of transmission licensee	As above
4	The injection and drawl point is at intra-state transmission system and distribution licensees system respectively	SLDC	5000	Same as above. Additional requirement of consent of distribution licensee	As above
5	The injection and drawl point is at distribution licensees system and intra-state transmission system respectively.	SLDC	5000	Same as above. Additional requirement of consent of distribution licensee	As above
6	Both within the same Distribution licensee and there is no involvement of state transmission network	Concerned Distribution Licensee	2500	As above	As above
7	Both within the same Distribution licensee but there is involvement of state transmission network	SLDC	5000	Same as above. Additional requirement of consent of distribution licensee	As above
8	Both within the same State but different Distribution Licensees	SLDC	5000	Same as above. Additional requirement of co sent of distribution licensee	As above
9	In different States	RLDC of the region where consumer is located	As per Central Commission's Regulation	Consent from concerned SLDCs and Distribution licensees as applicable, Proof of payment of Application fee, Declaration that	As per Central Commission's Regulation

Table-4					
Short-term open access					
S. No.	Inter-se location of drawal and injection point	Nodal agency	Application fee (Rs.)	Documents to accompany the application	Time frame for disposal of application (days from the receipt of application)
				there is no existing agreement for the capacity for which open access is sought. Other documents as specified by Central Commission.	

Note: The application fee for consent from transmission licensee / distribution licensee shall be Rs 2500.

13. Consent of STU / SLDC /transmission licensee (other than STU)/ Distribution Licensee

(1) Inter-State open access : STU in the case of application for grant of long-term open access and SLDC in the case of grant of medium-term open access and short-term open access shall convey its consent or otherwise as per the provisions of Central Electricity Regulatory Commission (Grant of Connectivity, Long-term Access and Medium-term Open Access in inter-State Transmission and related matters) Regulations, 2009 and Central Electricity Regulatory Commission (Open Access in inter-State Transmission) Regulations, 2008, respectively or their statutory re-enactments, as amended from time to time.

Provided that in respect of a generating station or consumer connected to a transmission licensee (other than STU) /distribution licensee and intending to seek open access, the STU/SLDC before giving its consent to the CTU/RLDC as required under the Central Commission's regulations, shall require the generating company or consumer to submit the consent of the distribution licensee concerned.

(2) Intra-State Open Access:

(i) Where the proposed bilateral transaction involves a transmission licensee (other than STU) or distribution licensee, concurrence of the transmission licensee or distribution licensee as the case may be shall be obtained in advance by the applicant and be submitted along with the application to the nodal agency. However, for short-

term open access, the concurrence of the licensee shall be required only for first time. For subsequent short-term open access in continuation the applicant shall file application directly to the nodal agency. In case of break in continuation, the concurrence of licensee shall be again required.

(ii) In case the licensee finds that the application for consent is incomplete or defective in any respect, it shall communicate the deficiency or defect to the applicant by e-mail or fax or by any other usually recognized mode of communication, within following time frame from days of receipt of the application:

- Long-term open access-7 working days
- Medium-term open access-7 working days
- Short-term open access-2 working days

(iii) While processing the application for medium-term and short-term open access the licensee shall ensure that the applicant fulfills eligibility criteria specified in Regulation 5 and on being satisfied that the requirements specified under Regulation 7(2) or Regulation 7(3) as the case may be are fulfilled, the licensee shall verify the following, -

a) Existence of infrastructure necessary for time-block-wise energy metering, accounting and data communication facility in accordance with the provisions of the State Grid Code in force, and

b) Availability of capacity in the licensees network.

(iv) On being satisfied that all conditions are fulfilled, the licensee shall convey its consent to the applicant by e-mail or fax or by any other usually recognized mode of communication, within following time frame from day of receipt of the application.

- Long-term open access-30 working days
- Medium-term open access-30 working days
- Short-term open access-10 working days

(v) In case the application has been found to be in order but the licensee refuses to give consent on the grounds of non-fulfillment of eligibility criteria or non-existence of necessary infrastructure or unavailability of surplus capacity in the licensees network, such refusal shall be communicated to the applicant by e-mail or fax or by any other usually recognized mode of communication, within the following time from the date of receipt of the application, along with reasons for such refusal:

- Long-term open access-30 working days
- Medium-term open access-30 working days
- Short-term open access-10 working days

(vi) Where the licensee has not communicated any deficiency or defect in the application within time period referred in Regulation (ii) above from the date of receipt of application, or refusal or consent within the specified period as mentioned in Regulation (iv) and (v) above from the date of receipt of the application consent shall be deemed to have been granted.

(vii) Provided further that where concurrence or 'no objection' or prior standing clearance, as the case may be, is deemed to have been granted by the concerned licensee, the applicant while making application shall submit to the nodal agency an affidavit (in the format provided in the detailed procedure), duly notarized, declaring that –

a) The licensee has failed to convey any deficiency or defect in the application or its refusal or concurrence or 'no objection' or prior standing clearance, as the case may be, within the specified time,

b) Applicant fulfills eligibility criteria and necessary infrastructure for time-block-wise energy metering and accounting, data communication etc-in accordance with the provisions of the Grid Code in force, is available in place. The following document shall be submitted by the applicant with affidavit –

- A copy of the complete application after removal of deficiency or rectification of defects, if any communicated, made to the transmission licensee / distribution licensee for seeking concurrence or 'no objection' or prior standing clearance, as the case may be,

- A copy of the acknowledgement, if any, by transmission licensee/distribution licensee, or any other evidence in support of delivery of the application to the transmission licensee/distribution licensee and

- An undertaking that there is no bilateral agreement with any licensee, buyer or seller for the proposed quantum of power for bilateral transaction.

PART 5

Procedure to avail long-term open access

14. Application for long-term open access

(1) The application for grant of long-term open access shall contain details such as name of the entity or entities to whom electricity is proposed to be supplied or from whom electricity is proposed to be procured along with the quantum of power and such other details as may specified by the Commission in detailed procedure.

Provided that in the case where augmentation of transmission system and/or distribution system is required for granting open access, if the quantum of power has not been firmed up in respect of the person to whom electricity is to be supplied or the source from which electricity is to be procured, the applicant shall indicate the quantum of power along with name of the area in which this electricity is proposed to be interchanged (buy or sell as the case may be) using the intra-State transmission system and/or distribution system;

Provided further that in case augmentation of intra-State transmission system and/or distribution system is required, the applicant shall have to bear the transmission charges and/or wheeling charges and other applicable charges for the same as per these regulations, even if the source of supply or off-take is not identified;

Provided also that the exact source of supply or destination of off-take, as the case may be, shall have to be firmed up and accordingly notified to the nodal agency at least 3 years prior to the intended date of availing long-term open access, or such time period estimated by State Transmission Utility and/or distribution licensee for augmentation of the transmission system and/or distribution system, whichever is lesser, to facilitate such augmentation. The applicant shall submit an undertaking stating that they have a valid contract with seller / buyer as the case may be with a copy of the contract.

Provided also that in cases where there is any material change in location of the applicant or change in the quantum of power to be interchanged (injection or drawl as the case may be) using the intra-State transmission

system and/or distribution system or change in the area from which electricity is to be procured or to when supplied, a fresh application shall be made, which shall be considered in accordance with these regulations.

(2) The applicant shall submit any other information sought by the nodal agency including the basis for assessment of power to be interchanged (injection or drawl as the case may be) using the intra-State transmission system and/or distribution system and power to be transmitted to or from various entities or regions to enable the nodal agency to plan the intra-State transmission system and/or distribution system in a holistic manner.

(3) The application shall be accompanied by a bank guarantee of Rs 10,000/- (ten thousand) per MW of the total power to be transmitted. The bank guarantee shall be in favour of the nodal agency, in the manner laid down under the detailed procedure.

(4) The bank guarantee of Rs. 10,000 /- (ten thousand) per MW shall be kept valid and subsisting till the execution of the long-term open access agreement, in the case when augmentation of transmission system and/or distribution system is required, and till operationalization of long-term open access when augmentation of transmission system and/or distribution system is not required.

(5) The bank guarantee may be encashed by the nodal agency, if the application is withdrawn by the applicant or the long-term open access rights are relinquished prior to the operationalization of such rights when augmentation of transmission system is not required.

(6) The aforesaid bank guarantee will stand discharged with the submission of bank guarantee required to be given by the applicant to the State Transmission Utility and/or distribution licensee as the case may be during construction phase when augmentation of transmission system and/or distribution system is required, in accordance with the provisions in the detailed procedure.

15. System Studies by the Nodal Agency

(1) On receipt of the application, the nodal agency shall, in consultation and through coordination with other agencies involved in bilateral transaction,

process the application and carry out the necessary system studies as expeditiously as possible so as to ensure that the decision to grant long-term open access is arrived at within the timeframe specified in regulation Provided that in case the nodal agency faces any difficulty in the process of consultation or coordination, it may approach the Commission for appropriate directions.

(2) Based on the system studies, the nodal agency shall specify the intra State transmission system and/or distribution system that would be required to give long-term open access. In case augmentation to the existing intra-State transmission system and/or distribution system is required, the same will be intimated to the applicant.

16. Communication of estimated open access charges, etc. to the applicant

While granting long-term open access, the nodal agency shall communicate to the applicant, the probable date from which long-term open access can be granted and an estimate of the applicable charges (in kind and in cash) likely to be payable based on the prevailing rate, as specified by the Commission.

17. Execution of Long-term Open Access Agreement

(1) The applicant shall sign an agreement for long-term open access with the:

(a) State Transmission Utility in case long-term open access is granted by the State Transmission Utility for open access mentioned in S No 1 of table-2 of these regulations, in accordance with the provision as specified in the detailed procedure.

(b) Intra-state transmission licensee (other than STU) in case long-term open access is granted by intra-state transmission licensee (other than STU) for open access mentioned in S No 2 of table-2 of these regulations, in accordance with the provision as specified in the detailed procedure

(c) A tripartie agreement for long-term open access with the State Transmission utility and intra-state transmission licensee in case

long-term open access is granted by the STU for open access mentioned in S No 3 of table-2 of these regulations.

(d) A tripartie agreement for long-term open access with the State Transmission utility and distribution licensee in case long-term transmission and distribution open access is granted by the STU for open access mentioned in S No 4 of table-2 of these regulations

(e) A tripartie agreement for long-term open access with the State Transmission utility and distribution licensee in case long-term transmission and distribution open access is granted by the STU for open access mentioned in S No 5 of table-2 of these regulations.

(f) Distribution licensee in case long-term open access is granted by the distribution licensee for open access mentioned in S No 6 of table-2 of these regulations.

(g) A tripartie agreement for long-term open access with the State Transmission utility and distribution licensee in case long-term transmission and distribution open access is granted by the STU for open access mentioned in S No 7 of table-2 of these regulations.

(h) A quadra partie agreement for long-term open access with the State Transmission utility and both the distribution licensees in case long-term open access is granted by the STU for open access mentioned in S No 8 of table-2 of these regulations.

(i) Agreement for long-term inter-state open access S No 9 of table-2 of these regulations shall be the as per the provisions specified by Central Commission.

(2) The long-term open access agreement shall contain the date of commencement of long-term open access, the point of injection of power into the State grid and point of drawl from the State grid and the details of dedicated transmission lines required, if any. In case augmentation of transmission system and/or distribution system is required, the long-term open access agreement shall contain the time period for construction of the facilities for the applicant by the transmission licensee and/or distribution licensee, the bank guarantee required to be given by the applicant and other details in accordance with the detailed procedure.

18. Information to SLDC

Immediately after grant of long-term open access, the nodal agency shall inform the SLDC so that they can consider the same while processing the requests for grant of future short-term open access, received under these Regulations.

19. Renewal of term for long-term open access

On the expiry of the period of long-term open access, the long-term open access shall stand extended on a written request provided by the long-term open access customer in this regard to the nodal agency mentioning the period for extension that is required:

Provided that such a written request shall be submitted by the long term open access customer to the nodal agency at least six months prior to the date of expiry of the long-term open access;

Provided further that in case no written request is received from the long-term open access customer within the time period specified above, the said long-term open access shall stand withdrawn after completion of open access period so granted.

20. Relinquishment of open access rights

(1) A long-term open access customer may relinquish the long-term open access rights fully or partly before the expiry of the full term of long-term open access, by making payment of compensation for stranded capacity as follows:-

(a) **Long-term open access customer who has availed open access rights for at least 12 years**

(i) **Notice of minimum one (1) year** – If such a customer submits an application to the nodal agency at least 1 (one) year prior to the date from which such customer desires to relinquish the access rights, there shall be no charges.

(ii) **Notice of less than one (1) year** – If such a customer submits an application to the nodal agency at any time lesser than a period of 1 (one) year prior to the date from which

such customer desires to relinquish the access rights, such customer shall pay an amount equal to 66% of the estimated transmission charges (net present value) and/or wheeling charges (net present value) for the stranded capacity for the period falling short of a notice period of one (1) year.

(b) **Long-term open access customer who has not availed open access rights for at least 12(twelve) years** – such customer shall pay an amount equal to 66% of the estimated transmission charges (net present value) and/or wheeling charges for the stranded capacity for the period falling short of twelve years of access rights:

Provided that such a customer shall submit an application to the nodal agency at least 1 (one) year prior to the date from which such customer desires to relinquish the access rights;

Provided further that in case a customer submits an application for relinquishment of long-term open access rights at any time at a notice period of less than one year, then such customer shall pay an amount equal to 66% of the estimated transmission charges (net present value) and/or wheeling charges for the period falling short of a notice period of one (1) year, in addition to 66% of the estimated transmission charges (net present value) and/or wheeling charges (net present value) for the stranded capacity for the period falling short of 12(twelve) years of open access rights.

(2) The discount rate that shall be applicable for computing the net present value as referred to in sub-Regulation (a) and (b) of Regulation (1) above shall be the discount rate to be used for bid evaluation in the Central Commission's Notification issued from time to time in accordance with the Guidelines for Determination of Tariff by Bidding Process for Procurement of Power by Distribution Licensees issued by the Ministry of Power.

(3) The compensation paid by the long-term open access customer for the stranded capacity shall be used for reducing transmission charges and/or wheeling charges payable by other long-term open access customers and medium-term open access customers in the year in which such

compensation payment is due in the ratio of transmission charges payable for that year by such long-term open access customers and medium-term open access customers.

21. Inter-State open access: The procedure for using the State grid in conjunction with the inter-state transmission system shall be governed by the procedure for inter-State long-term open access as specified in Central Electricity Regulatory Commission (Grant of Connectivity, Long-term Access and Medium-term Open Access in inter-State Transmission and related matters) Regulations, 2009 or its statutory re-enactment as amended from time to time:

Provided that in respect of a generating station or consumer connected to a transmission licensee(other than STU)/distribution licensee and seeking inter-State long-term open access, the SLDC, before giving its consent to the RLDC as required under the Central Commission's regulations, shall require the generating company or consumer to submit the consent of the distribution licensee concerned.

Provided further that all applicants intending to use the State grid for long-term inter-State open access shall be required to fulfill the eligibility criteria as specified under regulation 5 of these Regulation and while submitting application for inter-State open access shall follow Regulation 12(2) of these Regulation.

PART 6

Procedure to avail medium-term open access

22. Application for medium-term open access

(1) The application for grant of medium-term open access shall contain such details as may be laid down under the detailed procedure and shall, in particular, include the point of injection into the State grid, point of drawal from the State grid and the quantum of power for which medium-term open access has been applied for.

(2) The start date of the medium-term open access shall not be earlier than 5 months and not later than 1 year from the last day of the month in which application has been made.

(3) On receipt of the application, the nodal agency shall, in consultation and through coordination with other agencies involved in bilateral transactions, process the application and carry out the necessary system studies as expeditiously as possible so as to ensure that the decision to grant or refuse medium-term open access is made within the timeframe specified in table-3 of regulation 12.
Provided that in case the nodal agency faces any difficulty in the process of consultation or coordination, it may approach the Commission for appropriate directions.

23. Grant of medium-term open access

(1) On being satisfied that the requirements specified under Regulation 5 and Regulation (2) of regulation 7 are met, the nodal agency shall grant medium-term open access for the period stated in the application:

Provided that for reasons to be stated in writing, the nodal agency may grant medium-term open access for a period less than that sought for by the open access customer;

(2) The applicant shall submit an undertaking stating that they have a valid contract with seller / buyer as the case may be along with a copy of the contract.

(3) While granting medium-term open access, the nodal agency shall communicate to the applicant, an estimate of the applicable charges (in

kind and in cash) likely to be payable based on the prevailing rate, as specified by the Commission.

24. Execution of medium-term open access agreement

The applicant shall sign an agreement for medium-term open access with the

(a) State Transmission Utility in case medium-term open access is granted by the State Transmission Utility for open access mentioned in S No 1 of table-3 of these regulations, in accordance with the provision as specified in the detailed procedure.

(b) Intra-state transmission licensee(other than STU) in case medium-term open access is granted by intra-state transmission licensee (other than STU) for open access mentioned in S No 2 of table-3 of these regulations, in accordance with the provision as specified in the detailed procedure

(c) A tripartie agreement for medium-term open access with the State Transmission utility and intra-state transmission licensee in case long-term is granted by the STU for open access mentioned in S No 3 of table-3 of these regulations.

(d) A tripartie agreement for medium-term open access with the State Transmission utility and distribution licensee in case long-term transmission and distribution open access is granted by the STU for open access mentioned in S No 4 of table-3 of these regulations.

(e) A tripartie agreement for medium-term open access with the State Transmission utility and distribution licensee in case long-term transmission and distribution open access is granted by the STU for open access mentioned in S No 5 of table-3 of these regulations.

(f) Distribution licensee in case medium-term open access is granted by the distribution licensee for open access mentioned in S No 6 of table-3 of these regulations.

(g) A tripartie agreement for medium-term open access with the State Transmission utility and distribution licensee in case long-term

transmission and distribution open access is granted by the STU for open access mentioned in S No 7 of table-3 of these regulations.

(h) A quadra partie agreement for medium-term open access with the State Transmission utility and both the distribution licensees in case long-term open access is granted by the STU for open access mentioned in S No 8 of table-3 of these regulations.

(i) Agreement for medium-term inter-state open access S No 9 of table-3 of these regulations shall be as per the provisions specified by Central Commission.

(2) The medium–term open access agreement shall contain the date of commencement and end of medium-term open access, the point of injection of power into the State grid and point of drawal from the State grid, the details of dedicated transmission lines required, if any, the bank guarantee required to be given by the open access customer and other details in accordance with the detailed procedure.

(3) Immediately after grant of medium-term open access, the nodal agency shall inform the State Load Despatch Centre about the modalities,quantum of power to be interchanged and terms of conditions of such open access approval etc- so that they can consider the same while processing requests for future short- term open access received under these Regulations.

25. No overriding preference

On the expiry of period of the medium-term open access, the medium-term open access customer shall not be entitled to any overriding preference for renewal of the term.

26. Exit option for medium-term open access customers

A medium-term open access customer may relinquish rights, fully or partly, by giving at least 90 days prior notice to the nodal agency:

Provided that the medium-term open access customer relinquishing its rights shall pay applicable transmission charges and / or wheeling charges

and other applicable charges for the period of relinquishment or 90 days which ever is lesser.

27. Inter-State open access: The procedure for using the State grid in conjunction with the inter-state transmission system shall be governed by the procedure for inter-State medium-term open access as specified in Central Electricity Regulatory Commission (Grant of Connectivity, Long-term Access and Medium-term Open Access in inter-State Transmission and related matters) Regulations, 2009 or its statutory re-enactment as amended from time to time:

Provided that in respect of a generating station or consumer connected to a distribution system seeking inter-State medium-term open access, the SLDC, before giving its consent to the RLDC as required under the Central Commission's regulations, shall require the generating company or consumer to submit the consent of the distribution licensee concerned.

Provided further that all applicants intending to use the State grid for medium-term inter-State open access shall be required to fulfill the eligibility criteria as specified under Regulation 5 of these Regulation and while submitting application for inter-State open access shall follow Regulation 12(2) of these Regulation.

PART 7

Procedure to avail short-term open access

28. Application for short-term open access

(1) The application for grant of short-term open access shall contain details which include the point of injection into the State grid, point of drawal from the State grid, the quantum of power for which short-term open access has been applied for, duration of availing open access, and other information as may be required by the Nodal agency

(2) The start date of the short-term open access shall not be earlier than 30 days and not later than 60 days from the date application has been made.

Eg. application for grant of open access commencing from 1st July shall be received from 1st May and up to 31th day of May.

(3) An application made for each bilateral transaction and/or collective transaction shall be accompanied by a non-refundable fee as decided by the Commission from time to time.

Provided that the fee for bilateral transaction or collective transaction shall be deposited on the day of the application or within three working days of submission of the application.

(4) A consumer of distribution licensee intending to avail open access shall also furnish a copy of his application to the distribution licensee of his area of supply.

(5) The Nodal agency shall acknowledge receipt of the application by indicating time and date on "ACKNOWLEDGEMENT" to the applicant.

(6) Based on the type of transactions, the nodal agency shall take a decision on the applications for short-term open access.

(i) All applications received under Regulation 28(2) above shall be processed as per allotment priority criteria specified under Regulation 8 on first-come first serve basis.

(ii) Nodal agency shall check transaction for congestion of any element (line and transformer) of transmission and distribution system involved in transaction.

(iii) Nodal agency shall convey grant of open access or otherwise in format specified in detailed procedure along with schedule of payments to the applicant.

(iv) Nodal agency shall assign specific reasons if open access is denied.

(7) While processing the application for short-term open access, the nodal agency shall ensure that the applicant fulfills eligibility criteria specified in Regulation 5 of these Regulation and verify the following, namely-

(i) Existence of infrastructure necessary for time-block-wise energy metering and accounting, data communication etc in accordance with the provisions of the Grid Code in force, and

(ii) Availability of surplus capacity in the State grid.

(8) In case the nodal agency finds that the application for short-term open access is incomplete or defective in any respect, it shall communicate the deficiency or defect to the applicant by e-mail or fax, in addition to any other usually recognized mode of communication, within time frame specified in table 4.

Provided that in cases where the nodal agency has communicated any deficiency or defect in the application, the date of receipt of application shall be the date on which the application has been received duly completed, after removing the deficiency or rectifying the defects, as the case may be.

(9) After the feasibility for existence of necessary infrastructure and availability of surplus capacity in the State grid has been established the nodal agency shall convey its approval of short-term open access to the applicant by e-mail or fax, in addition to any other usually recognized mode of communication, within time frame specified in table 4.

(10) In case the application has been found to be in order but the nodal agency refuses to give approval, on the grounds of non-existence of necessary

infrastructure or unavailability of surplus capacity in the State grid or non-fulfillment of eligibility criteria, such refusal shall be communicated to the applicant by e-mail or fax, in addition to any other usually recognized mode of communication, within time frame specified in table 4, along with reasons for such refusal:

Provided that where the nodal agency has not communicated any deficiency or defect in the application or refusal or approval as the case may be, within the specified time period from the date of receipt of the application, the applicant may approach the Commission for intra-State open access.

29. Day ahead transactions:

(1) Day ahead transactions shall be permitted ,in case there is availability of surplus capacity in the licensee system, which has been expressly surrendered whole or part thereof, or not in use for more than three days in past.

An application for grant of such open access may be submitted to SLDC within three days prior to the date of scheduling but not later than 1300 hrs of the day immediately preceding the day of scheduling for day ahead transaction.

For example, application for day-ahead transaction on 25th day of July shall be received on 22nd day or 23rd day or up to 1300 hours on 24th day of that month.

(2) Nodal agency shall check for congestion and convey grant of approval or otherwise, in the format as approved in detailed procedure. All other provisions of application for short-term open access shall apply.

30. Payment of open access charges

Advance payment for one month or period of open access, whichever period is less, shall be made within three working days of grant of open access. The SLDC shall schedule power for bilateral transaction only after receiving payment from the applicant.

31. No overriding preference

On the expiry of period of the short-term open access, the short-term open access customer shall not be entitled to any overriding preference for renewal of the term.

32. Inter-State open access

Notwithstanding anything contained in above Regulations, procedure for inter-State short- term Open Access shall be as per Central Electricity Regulatory Commission (Open Access in inter-State Transmission) Regulations, 2008, or its statutory re-enactments, as amended from time to time.

Provided further that all applicants intending to use the State grid for short-term inter-State open access shall be required to fulfill the eligibility criteria as specified under Regulation 5 of these Regulation and while submitting application for short-term inter-State open access shall follow Regulation 12(2) of these Regulation.

PART 8

Charges for using State grid

33. Open access charges

The licensee/SLDC providing open access shall levy only such fees and/or charges as specified by the Commission from time to time. The principles of determination of the charges shall be as under.

(1) Transmission Charges -

The transmission charges for use of the transmission system of the STU/ transmission licensee for intra-state transmission shall be regulated as under:

(a) The transmission charges for use of the intra-State transmission system shall be recovered from the long-term open access customers and the medium-term open access customers in accordance with terms and conditions of tariff specified by the Commission from time to time. These charges shall be as determined by the Commission under section 62(1)(b) of the Act, and shall be applicable as per the tariff order issued by the Commission from time to time. These charges shall be shared by the long-term open access customers and medium-term open access customers as per allotted capacity proportionately.

Illustration: The basis for sharing of transmission charges shall be the maximum demand in MW served by the intra-state transmission system of the transmission licensee in the previous financial year ..

Suppose, the maximum demand in previous financial year i,e 2009-10 is 3000 MW.

The capacity contracted by long-term open access customer is 50 MW.

The capacity contracted by medium-term open access customer is 20 MW.

The capacity served for distribution licensee shall be 3000-50-20=2930 MW

Suppose if annual estimated and approved transmission charge for 2010-11 is Rs 300 crores, then monthly transmission charges for year 2010-11 shall be shared as follows:

Distribution licensee= (300 x 2930) /(3000 x 12) = Rs 24.4166 crores

Long-term open access customer= (300 x 50)/(3000 x 12) = Rs 0.4166 crores

Medium-term open access customer=(300 x 20)/(3000 x 12) = Rs 0.1666 crores

(b) The transmission charges shall be payable by the short-term open access customer for the energy approved /contracted for bilateral transaction at the point or points of injection. The energy approved shall be computed by considering the reserved capacity for bilateral transaction. The transmission charges payable by a short-term open access customer for the use of intrastate transmission system shall be calculated in accordance with the following methodology:

ST_RATE = TSC / Net annual estimated energy input to the transmission system of STU/transmission licensee for the relevant year,

Where:

ST_RATE is the rate for short-term open access customer in Rs per kwh or in Rs/MWh

"TSC" means the annual transmission charges or annual revenue requirement on account of the transmission system as determined by the Commission.

The transmission charges for use of intra-state transmission system for all type of transactions (bilateral or collective inter-State transactions through exchanges) shall be the same.

Illustration: Suppose if annual estimated and approved transmission charge for the year 2010-11 is Rs 300 crores, and net annual estimated energy input to the transmission system of STU for the year 2010-11 is 15000 MU.

ST_RATE = 300/15000= 20 paise per kwh

Or ST_RATE=Rs 200/MWh

(c) The revenue thus earned from the short-term open access customers by the STU/transmission licensee for bilateral transaction and collective transction in a month shall be directly disbursed to the long term and medium term customers to reduce the transmission charges of the long-term and medium term open access customers for the successive months in proportion to monthly charges payable to them. The STU/ transmission licensee shall maintain separate account for the revenue earned from short-term customers and shall submit it to the Commission.

(2) Wheeling Charges–

The Wheeling charges for use of the distribution system of a licensee shall be regulated as under: -

(a) The wheeling charges for use of the distribution system shall be recovered from the long-term open access customers, medium-term open access customers and short-term open access customers in accordance with terms and conditions of tariff specified by the Commission from time to time. These charges shall be as determined by the Commission under section 62(1)(c) of the Act, and shall be applicable as per the tariff order issued by the Commission from time to time. The wheeling charges shall be payable by the long-term open access customers , medium-term open access customers and short-term open access customer for the energy approved/contracted for bilateral transaction at the point or points of injection. The energy approved shall be computed by considering the reserved capacity for bilateral transaction

(b) The wheeling charges payable by a long-term open access customers, medium-term open access customers and short-term customer for the use of distribution system shall be same.

(c) The revenue thus earned from the open access customers in a year shall be utilized to reduce the wheeling charges of licensee for the

successive years. The distribution licensee shall maintain separate account for the revenue earned from open access customers.

(3) Fees and Charges of SLDC –

An open access customers shall pay to the SLDC, the scheduling and system operation charges as determined by the Commission in accordance with the regulation as may be framed for levy and collection of fees and charges of SLDC.

(4) Unscheduled Interchange (UI) charges

(a) The mismatch between the scheduled and the actual drawal at drawal point(s) and scheduled and the actual injection at injection point(s) shall be met from the grid and shall be governed by the CERC (UI charges and related matters), Regulation, 2009 till the notification of CSERC (Intra-State ABT, Unscheduled Interchange charges and related matters) Regulations and thereafter it will be as per the regulations to be notified and amendments, if any.

(b) A separate bill for UI charges shall be issued to open access customers.

(c) The billing, collection and disbursement of the Unscheduled Interchange charges shall be governed by the CERC (UI charges and related matters) Regulation 2009 till the notification of CSERC (Intra-State ABT, Unscheduled Interchange charges and related matters) Regulations and thereafter it will be as per the regulations to be notified and amendments, if any.

(d) The payment of UI charges shall have a high priority and the concerned constituent (including distribution licensee and all other open access customers) shall pay the indicated amounts within stipulated period as specified in CERC (UI charges and related matters), Regulation, 2009 till the notification of CSERC (Intra-State ABT, Unscheduled Interchange charges and related matters) Regulations and as amended from time to time

(5) Reactive Energy Charges -

The billing and payment of the reactive energy charges by the open access customers shall be as approved by the Commission from time to time.

(6) Cross subsidy Surcharge –

(a) The Commission may specify cross subsidy surcharge voltage wise/slab wise /individual categories of consumers separately.

(b) The principle and procedure for determining cross-subsidy surcharge shall be as under:

(i) Every consumer requiring supply of electricity through open access in accordance with these Regulations shall be liable to pay the cross-subsidy surcharge, as may be specified.

Provided that such surcharge shall not be leviable in case open access is provided to a person who has established a captive generating plant, for carrying the electricity to the destination of its own use.

The cross subsidy surcharge shall be payable by the open access customer for the actual energy received through open access at the point of drawl.

(ii) Cross subsidy surcharge shall also be payable by such consumer who receive supply of electricity from a person other than the distribution licensee in whose area supply is located, irrespective of whether it avails such supply through transmission/ distribution network of the licensee or not.

(iii) Such surcharge shall be based on the current level of cross-subsidy of the tariff category / tariff slab and / or voltage level to which such consumer, belong or are connected to, as the case may be. It is to be calculated based on the average cost method by taking the difference between the average tariff for such supply voltage for the consumer of subsidizing category and the average cost of supply for the licensee.

(iv) For consumers procuring power through open access in first control period of MYT regime, the cross subsidy surcharge shall be levied at 90% of cross subsidy surcharge determined by the Commission for that year. The cross subsidy surcharge for subsequent control period shall be as decided by the Commission from time to time.

Illustration: Suppose the cross subsidy surcharge worked out for 2011-12 is 75 paise per kwh. Then applicable cross

subsidy surcharge for consumers procuring power through open access shall be 90% of 75 paise i.e. 67.5 paise (rounded of to 68 paise) per unit for the year 2011-12.

Suppose the cross subsidy surcharge worked out for 2012-13 is 70 paise per kwh. Then applicable cross subsidy surcharge for consumers procuring power through open access shall be 90% of 70 paise i.e. 63 paise per unit for 2012-13,

(v) For consumers procuring power through renewable energy based power generating plant, the cross subsidy surcharge shall be 50% of the cross subsidy surcharge determined for that year.

Illustration: Suppose the cross subsidy surcharge worked out for 2011-12 is 75 paise per kWh and the cross subsidy surcharge worked out for 2012-13 is 70 paise per kWh. For consumers procuring power through renewable energy based power generating stations, the cross subsidy surcharge shall be 38 paise per unit and 35 paise per unit for the year 2011-12 and 2012-13 respectively.

(7) Additional Surcharge –

The Commission shall determine the additional surcharge as required under Section 42(4) of the Act .The additional surcharge shall become applicable only if it is conclusively demonstrated that the obligation of a licensee, in terms of existing power purchase commitments, has been and continues to be stranded, or there is an unavoidable obligation and incidence to bear fixed costs consequent to such a contract. The fixed costs related to network assets would be recovered through wheeling charges..

Provided that such surcharge shall not be leviable in case open access is provided to a person who has established a captive generating plant, for carrying the electricity to a destination of its own use.

Provided further that the additional surcharge shall be decided by the Commission on case to case basis after due regulatory process.

(8) Connectivity Charges –

Charges related to connectivity as specified by the Commission shall be payable by the intra-State requester for getting connected with the State grid.

(9) Any other charges, in cash or kind as may be specified by the Commission shall be payable by the open access customer.

(10) In case the open access customer uses inter-state transmission system and services of Regional Load Dispatch Centre and State Load Dispatch Centre of any other state, the transmission charges of CTU and STU of the other State and service charges of Regional Load Dispatch Centre and State Load dispatch Centre of other state shall be payable by such customer in addition to the charges provided under these Regulations.

(11) In case of outages of generator supplying to a consumer through open access, standby arrangements should be provided by the distribution licensee on the payment of charges as specified by the Commission. In case of outages of captive generating plant supplying to a captive user and/or consumer on open access, standby arrangements should be provided by the distribution licensee on the payment of charges as specified by the Commission. The generating company or captive generating plant selling directly or through any licensee shall inform the SLDC and the buyer about their outage of plants through email or fax, along with probable date of resuming injection of electricity into the grid.

For drawl of power up to the contracted capacity of open access, the tariff for availing stand by support from the distribution licensee shall be 1.5 times of the per unit average tariff of HT and EHT consumers as decided by the Commission in tariff order from time to time.

For drawl of power in excess of the contracted capacity of open access, the tariff for availing stand by support from the distribution licensee shall be two times of the per unit average tariff of HT and EHT consumers as decided by the Commission in tariff order from time to time.

The modality of demand and energy accounting during the period of availing stand by support from distribution licensee shall be as per CSERC (Intra-State ABT, Unscheduled Interchange charges and related matters) Regulations to be notified and amendments, if any.

Provided also that open access customers would have the option to arrange stand-by power from any other source other than distribution licensee.

Provided further that open access customers connected to CTU system would have the option to avail stand-by power from distribution licensee of the area on terms and conditions as approved by the Commission. Such open access customer may approach the Commission for availing stand by support.

(12) All long-term open access customers and medium-term open access customers shall pay the charges payable under the open access agreement from the date of commencement of open access specified in such agreement, regardless of whether or not such open access is actually availed from that date, except if the failure to avail open access is due to the default of the concerned licensee(s) whose network is being used."

(13) All open access customer must make reasonable endeavor to ensure that their actual demand or actual sent-out capacity (power), as the case may be, at an inter-connection point does not exceed the contracted capacity or reserved capacity.

Provided that for carrying out balancing and settlement of energy and demand at all entry and exit points relating to open access agreements, the licensee shall strictly adhere to the provisions of CSERC (Intra-State ABT, Unscheduled Interchange charges and related matters), Regulations to be notified by the Commission and its amendments, if any.

Provided further, that till such time the CSERC (Intra-State ABT, Unscheduled Interchange charges and related matters), Regulations is notified by the Commission, the terms and conditions for energy and demand balancing, as set out in the existing agreements shall continue to apply.

(14) The charges related to transmission and wheeling charges shall be 6% of the energy input into the system for the consumer using State grid for procuring power from renewable energy based power generating stations located in the State. Other than these charges, they shall not be liable to

pay any transmission charges or wheeling charges either in cash or kind. However, surcharge shall be payable where the wheeling of energy is other than for its own use.

(15) Energy loss-

The open access customer shall bear energy loss of the transmission system and/ or distribution system as approved by the Commission in its relevant tariff order passed under section 62 of the Act, from time to time. The energy losses in the transmission and distribution systems shall be compensated by additional injection at the injection point

The energy losses shall be calculated on the basis of the energy scheduled for transaction at the point or points of injection.

Illustration

The applicable transmission and wheeling charges to be levied to open access customers shall be as follows

Table-5

Applicable Charges and energy Losses

S. No.	Inter-se location of drawal and injection point	Injection Point	Drawal point	Applicable Charges
1	Both in the network of STU	EHV side of EHV S/s (132 Kv and above)	EHV side of EHV S/s (132 Kv and above)	1. Transmission Charges of STU. 2. Transmission loss of STU
2	Both in the network of intra-state transmission licensee (other than STU) network and there is no involvement of STU network for conveyance of electricity.	EHV side of EHV S/s	EHV side of EHV S/s	1.Transmission Charges of transmission licensee. 2.Transmission loss of transmission licensee
3	The injection and drawl point is located at intra-state transmission licensees system and STU network or vice versa	EHV side of EHV S/s(132 Kv and above)	EHV side of EHV S/s(132 Kv and above)	1.Transmission Charges of STU. 2.Transmission loss of STU 3.Transmission Charges of transmission licensee. 4.Transmission loss of transmission licensee

Table-5

Applicable Charges and energy Losses

S. No.	Inter-se location of drawal and injection point	Injection Point	Drawal point	Applicable Charges
4	The injection and drawl point is at intra-state transmission system and distribution licensees system respectively.	EHV side of EHV S/s(132 Kv and above)	33 KV	1.Transmission Charges of STU. 2.Transmission loss of STU 3.Wheeling Charges of distribution licensee. 4.Distribution loss of distribution licensee for that voltage level
5	The injection and drawl point is at distribution licensees system and intra-state transmission system respectively	33 Kv side of EHV S/s	EHV side(132 KV and above)	1.Transmission Charges of STU. 2.Transmission loss of STU 3. Wheeling Charges of distribution licensee.
		33 KV side of 33/11 S/s	EHV side(132 KV and above)	1.Transmission Charges of STU. 2.Transmission loss of STU 3.Wheeling Charges of distribution licensee. 4.Distribution loss of distribution licensee for that voltage level
6	Both within the same Distribution licensee and there is no involvement of state transmission network	33 Kv side of EHV S/s or 33/11 KV S/s	33 KV	1. Wheeling Charges 2. Distribution losses
7	Both within the same Distribution licensee but there is involvement of state transmission network	33 Kv side of EHV S/s or 33/11 KV S/s	33 KV	1. Transmission Charges of STU. 2. Transmission loss of STU 3. Wheeling Charges of distribution licensee. 4.Distribution loss of distribution licensee
8	Both within the same State but different Distribution Licensees	33 Kv side of EHV S/s or 33/11 KV S/s	33 KV	1.Transmission Charges of STU. 2.Transmission loss of STU 3.Wheeling Charges of distribution licensee no 1. 4.Distribution loss of distribution licensee no 1 5.Wheeling Charges of distribution licensee no 2. 6.Distribution loss of

Table-5				
Applicable Charges and energy Losses				
S. No.	Inter-se location of drawal and injection point	Injection Point	Drawal point	Applicable Charges
				distribution licensee no 2
9.	In different State (Inter State open access)	As applicable	Out of State	1.Applicable charges as per type of transaction mentioned above 2.The transmission charges and/or wheeling charges and energy losses of CTU and STU/licensees of the other State

34. Billing, Payment, Collection and disbursement of charges

(1) Unless specified otherwise in detailed procedure or in any other order issued by the Commission, the bills against charges mentioned in regulation 33 (other than UI charges) shall be prepared by the respective nodal agency and shall be disbursed to the respective licensee /SLDC /open access customer as the case may be before the 5th day of the succeeding calendar month.

(2) The distribution licensee and all other open access customers as the case may be, shall pay the charges within seven days from the date of issue of the bill.

(3) The open access Charges for use of State grid and fees and charges of SLDC shall be disbursed by the nodal agency to the licensee/SLDC concerned, within 5 working days after completion of the billing cycle on receiving the same from the open access customers.

(4) If payments against the open access charges are not made within the due date as mentioned in the bill issued by the nodal agency, the defaulting open access customers shall have to pay simple interest @ 0.04% for each day of delay.

(5) If the nodal agency does not disburse the payment received from open access customers to the licensee/SLDC within five working days after completion of the billing cycle, the nodal agency shall have to pay simple interest @ 0.04% for each day of delay.

(6) In case any open access customer exclusively uses the facilities of inter-State transmission system (CTU or other inter-State transmission licensee) the surcharge shall be collected by CTU or other inter-State transmission licensee as the case may be and shall be paid to the distribution licensee in whose area the consumer is located.

35. Security deposit for payment

(1) Long-term open access customers

All long-term open access customers shall be required to open Letter of Credit (LC) for 105% of estimated applicable average monthly billing for charges mentioned in Regulation 30 in favour of nodal agency. In addition to opening of Letter of Credit (LC) the long-term open access customer would provide security in the form of irrevocable Bank Guarantee (BG), in favor of nodal agency, equivalent to two months estimated applicable average monthly billing, three months prior to the scheduled date of connectivity. Initially the security mechanism shall be valid for a minimum period of three (3) years and shall be renewed from time to time.

The payment security mechanism for the State distribution licensee using the network of State Transmission Utility shall be governed by the transmission service agreement executed between the utilities.

(2) Medium –term open access customers

After signing of the Medium Term Open Access Agreement (MTOA), the applicant shall submit a Bank Guarantee (BG) to nodal agency equivalent to estimated applicable charges of two months within 30 days from the grant of MTOA. The estimated average open access charges would be reviewed every six months/MTOA period whichever is less and accordingly

the amount of Bank Guarantee would be enhanced/reduced by Medium-term customers.

(3) Payment security for UI charges

The payment security for UI charges shall be governed by the (Intra-State ABT, Unscheduled Interchange charges and related matters) Regulations to be notified by the Commission and as amended from time to time.

36. The intra-state user or any intra-state entities using the State grid including such system when it is used in conjunction with inter-state transmission system (availing intra-State and/or inter-State open access) defaults in payment of Unscheduled Interchange charges, the SLDC shall follow up with concerned open access customer under intimation to State distribution licensee and shall inform RLDC also in case of inter-State open access.

The intra-state user or intra-state entity using the State grid including such system when it is used in conjunction with inter-state transmission system (availing intra and/or inter-state open access) defaults in payment of Unscheduled Interchange charges for two weekly billing cycles, the SLDC, shall not schedule, in case of intra-state open access and withdraw the consent in case of inter-State open access under intimation to open access customer and distribution company. In case of inter-State open access, intimation of withdrawal of consent shall also be given to RLDC, for taking further necessary action at its end.

In case of prolonged default in payment of the charges specified under these regulations or UI charges, the licensee or SLDC may, approach the Commission.

37. If any open access customer or intra-state user using the State grid including such system when it is used conjunction with inter-state transmission system defaults in payment of any open access charges due from him to the licensee or SLDC, the licensee may initiate action such as disconnection with the State grid or any other suitable action under provision of Act or State grid code or any other regulations after giving due notice and following necessary procedures.

PART 9

Miscellaneous

38. Scheduling :

(1) Notwithstanding anything contained in the succeeding Regulations of this regulation, scheduling of all types of inter-State open access transactions shall be as specified by the Central Commission.

(2) For long-term open access customers and medium-term open access customers the provisions of the State Grid Code, as amended from time to time, shall be applicable for declaration of capacity and scheduling for intra-State open access transaction.

(3) For short-term open access customers, the scheduling procedure shall be as specified by the Commission in CSERC (Intra-State ABT, Unscheduled Interchange charges and related matters) Regulations, as amended from time to time for intra-State open access transaction.

39. Curtailment

(1) When for the reason of constraints in the State grid or in the interest of grid security, it becomes necessary to curtail power flow on a State Grid, the transactions already scheduled may be curtailed by the State Load Despatch Centre.

(2) Subject to provisions of the Grid Code and any other regulation specified by the Commission, the short-term open access customer shall be curtailed first followed by thc medium-term open access customers, which shall be followed by the long-term open access customers and amongst the customers of a particular category, curtailment shall be carried out on pro rata basis.

(3) The reservation of transmission capacity to the short-term open access customer may be reduced or cancelled by the SLDC, if Government of India / Government of Chhattisgarh allocates power from the Central Generating Station(s) / State Generating Station(s)/IPPs/CGPs, as the case may be, in an area to a person in another area and such allocation, in the opinion of the SLDC, cannot otherwise be implemented due to

congestion in the transmission link. If the SLDC decides to reduce or cancel capacity reserved for a short-term open access customer under this Regulation, it shall, as soon as possible, intimate the short-term open access customer concerned of its decision for its implementation to reduce or cancel transmission capacity.

(4) In case of curtailment of more than 50% of the reserved transmission capacity by the SLDC, on any particular day, on account of transmission constraints or constraints in distribution network, the transmission charges and /or wheeling charges as the case may be for that day shall be payable by the short-term customers on pro rata basis in accordance with the transmission and /or distribution capacity actually provided.

Provided that operating charges shall not be revised in case of such curtailment.

40. Non-Utilization or excess utilization of reserved capacity by Open Access Customer

(1) In case an open access customer is unable to utilize, full or substantial part of the reserved capacity, he shall inform the nodal agency along with reasons and period for his inability to utilize the reserved capacity and shall surrender the non-utilized capacity.

(2) The short term open access customer, who has surrendered the non-utilized capacity under Regulation (1) above shall bear the transmission and/or wheeling charges, the fees and charges of SLDC and all other applicable charges based on the original reserved capacity for seven days or the period of reservation surrendered, as the case may be, whichever period is shorter.

(3) The transmission/distribution capacity becoming available as a result of surrender by the open access customer under regulation (1) may be reserved for any other open access customer in accordance with these regulations.

(4) The SLDC shall prepare a quarterly report of open access transactions indicating the capacity utilization trend of reserved transmission capacity by the open access customers and submit it before the Commission.

(5) The provisions for preventing gaming and misuse of State grid during real time operation by the open access customers shall be specified by the Commission in CSERC (Intra-State ABT, Unscheduled Interchange charges and related matters) Regulations as amended from time to time.

(6) The Commission may, either suo motu or on a petition filed by the SLDC or licensee, initiate proceedings against any open access customer on charges of misutilization of allotted capacity/reserved capacity and if required, may order an inquiry in such manner as decided by the Commission. When the charges of misuse of allotted capacity/reserved capacity is established in the above inquiry, the Commission may, without prejudice to any other action under the Act or regulations there under, reduce or cancel the reserved capacity of a open access customer

41. Grid Discipline and Quality of Supply

(1) The licensee must make all reasonable endeavors to ensure that the quality of supply standards as prescribed by the Commission under section 57 of the Act, the Indian Electricity Grid Code and the Chhattisgarh State Electricity Grid Code are met in respect of all open access customers of its network, to the extent these quality parameters are applicable to such customers.

(2) The open access customer shall abide by the Indian Electricity Grid Code, the State Grid Code and the instructions given from time to time by the STU /licensee/SLDC.

42. Detailed Procedure for implementation

(1) Subject to the provisions of these regulations, the State Transmission Utility after consultation with distribution licensee and SLDC shall submit the detailed procedure within 60 days of notification of these regulations in the Official Gazette to the Commission for approval. The detail procedure shall be approved after inviting suggestion/ comments from all the affected parties for implementation.

(2) The detailed procedure shall, in particular, include—

(a) The proforma for the connection agreement, referred to in regulation (3) of Regulation 10 above.

(b) The proforma for the long-term open access agreement referred to in regulation 17 above:

Provided that the Transmission Service Agreement issued by the Central Government as part of standard bid documents for competitive bidding for transmission in accordance with section 63 of the Act shall be a part of this Agreement along with necessary changes;

Provided further that in case transmission system augmentation is undertaken through the process of competitive bidding in accordance with section 63 of the Act, the Transmission Service Agreement enclosed as part of bid documents shall be used as a part of the proforma agreement to be entered into between the applicant and the State Transmission Utility for long-term open access.

(c) The time line for phasing of construction/modification of the transmission elements by the State Transmission Utility/transmission licensee and/or distribution licensee, as the case may be, and the coming up of generation facilities or facilities of bulk consumer, as the case may be shall be such as to match the completion times of the two;

(d) Aspects such as payment security mechanism and bank guarantee during the period of construction and operation:

(e) The proforma for the medium-term open access agreement, referred to in 24 above.

(f) Provisions for collection of the open access charges for intra- State transmission system and/or distribution system from the long-term customers or medium-term customers, as the case may be, by the transmission licensee or the State Transmission Utility or distribution licensee as and when so designated in accordance with the regulation 34 hereof and disbursement to the State Transmission Utility and/or the transmission licensees or distribution licensee as the case may be.

(g) Formats for short-term open access.

43. Redressal Mechanism

All disputes arising out of or under these regulations shall be decided by the Commission on an application made on this behalf by the person aggrieved.

44. Information System

The nodal agency shall post the following documents / information on its website in a separate web-page titled "Long-term open access, Medium-term open access and Short-term open access information":

(a) These regulations;

(b) Connection Agreement and open access agreement;

(c) List of applications where approval for connectivity or long-term open access or medium-term open access or short-term open access, as the case may be, has not been granted during the year along with reasons thereof.

(d) List of applications, separately, for long-term open access, medium-term open access and short-term received by the nodal agency whose cases are under process of approval along with necessary details.

(e) Separate lists for long-term open access , medium-term open access and short-term open access granted indicating-

(i) Name of customer;

(ii) Period of the access granted (start date and end date);

(iii) Point or points of injection along with voltage level;

(iv) Point or points of drawal along with voltage level;

(v) Transmission systems and/or distribution system used

(vi) Capacity (MW) for which open access has been granted.

Provided further that it shall be a constant endeavor of the nodal agency to take steps in accordance with the requirements herein to provide as much information suo motu to the public at regular

intervals through various means of communications, including internet, so that information is disseminated widely and in such form and manner which is easily accessible to the public

45. Repeal and Savings

(1) On commencement of these Regulations, the Chhattisgarh Electricity Regulatory Commission (Intra-State Open Access in Chhattisgarh) Regulations, 2005 and amendments notified shall stand repealed.

(2) Notwithstanding anything contained in Regulation (1), long-term open access granted in accordance with the Chhattisgarh Electricity Regulatory Commission (Intra-State Open Access in Chhattisgarh) Regulations, 2005 shall continue to be valid till the expiry of the term of long-term access.

By order of the Commission,

N. K. RUPWANI, Secretary.

Raipur, the 4th March 2011

No. 36/CSERC/2011. —Section 86(1)(e) of the Electricity Act, 2003 (the Act) mandates the State Commission to promote co-generation and generation of electricity from renewable sources of energy by providing suitable measures for connectivity with the grid and sale of electricity to any person, and also specify, for purchase of electricity from such sources, a percentage of the total consumption of electricity in the area of a distribution licensee.

The National Electricity Policy has emphasized urgent need to promote electricity generation based on such sources of energy. The Tariff Policy also provides that pursuant to the provisions of section 86(1)(e) of the Act, the SERCs shall fix a minimum percentage for purchase of energy from such sources taking into account availability of such sources in the region and its impact on retail tariffs.

Ministry of New & Renewable Energy (MNRE), Govt. of India has developed conceptual framework for Renewable Energy Certificate (REC) mechanism that will facilitate inter-State transactions based on electricity generation from Renewable Energy (RE) sources which will enable the obligated entities to fulfil their obligation to purchase power generated from renewable energy sources and also specified provision of solar & non-solar REC. Further, based on the above, Forum of Regulators (FOR) has circulated model regulations for REC framework to be considered by State Commissions.

Keeping the above in view, the Chhattisgarh State Electricity Regulatory Commission, in exercise of the power vested to the Commission under section 86(1)(e) of the Act read with section 181 of the Act, hereby makes the following regulations regarding renewable purchase obligation and implementation of REC framework.

CHHATTISGARH STATE ELECTRICITY REGULATORY COMMISSION (RENEWABLE PURCHASE OBLIGATION AND REC FRAMEWORK IMPLEMENTATION) REGULATIONS, 2011

1. Short Title, Extent and Commencement

1.1 These Regulations shall be called the Chhattisgarh State Electricity Regulatory Commission (Renewable Purchase Obligation and REC framework Implementation) Regulations, 2011.

1.2 These Regulations shall extend to the whole of the State of Chhattisgarh.

1.3 These Regulations shall come into force from the date of notification in the Chhattisgarh Gazette (Rajpatra).

2. Definitions

2.1 In these Regulations, unless the context otherwise requires:

I. "**Act**" means the Electricity Act, 2003 (36 of 2003), including amendments thereto;

II. "**Captive User**" shall have same meaning as defined in rule 3(2) of Electricity Rules 2005;

III. "**Central Agency"** means the agency as the Central Commission may designate from time to time;

IV. **"Central Commission"** means the Central Electricity Regulatory Commission referred to in sub-section (1) of section 76 of the Act;

V. "**Certificate**" means the Renewable Energy Certificate (REC) issued by the Central Agency in accordance with the procedures prescribed by it and under the provisions specified in the Central Electricity Regulatory Commission (Terms and Conditions for recognition and issuance of Renewable Energy Certificate for Renewable Energy Generation) Regulations, 2010;

VI. "**Commission"** means the Chhattisgarh Electricity Regulatory Commission as referred in subsection (1) of section 82 of the Act;

VII. "**Existing RE Project**" means the renewable energy project whose date of commercial operation (COD) falls prior to date of notification of these Regulations;

VIII. **"Floor price"** means the minimum price as determined by the Central Commission in accordance with Central Electricity Regulatory Commission (Terms and Conditions for recognition and issue of Renewable energy Certificate for Renewable Energy Generation) Regulations, 2010, as amended from time to time, at and above which the Certificate can be dealt in the power exchange;

IX. **"Forbearance price"** means the ceiling price as determined by the Central Commission in accordance with the Central Electricity Regulatory Commission (Terms and Conditions for recognition and issue of Renewable Energy Certificate for Renewable Energy

Generation) Regulations, 2010, as amended from time to time, within which only the Certificate can be dealt in power exchange;

X. **"New RE Project"** means the renewable energy project whose date of commercial operation shall be on or subsequent to the date of notification of these Regulations;

XI. **"Power Exchange"** means any exchange operating as the power exchange for electricity in terms of the order(s) issued by the Central Commission;

XII. **"Obligated Entity"** means the distribution licensee(s), user(s) owning captive power plant(s), open access consumer(s) including a open access consumer meeting part of energy from distribution licensee & part through open access in the State of Chhattisgarh, who have to mandatorily comply with renewable purchase obligation under these Regulations subject to fulfilment of conditions outlined under Regulation 3;

XIII. **"Quantum of purchase"** means the share of electricity from renewable sources required to be purchased by obligated entity(s), expressed on a percentage of its total consumption, as specified in these regulations. The quantum would be the sum of all direct purchase from generating stations based on renewable sources.

XIV. **"Renewable Energy Sources"** means renewable sources such as hydel, wind, solar, biomass including bagasse, bio fuel cogeneration, urban or municipal waste and such other sources as recognized or approved by MNRE;

XV. **"Small Hydel Plant (SHP)"** means hydel power station with an installed capacity upto and including 25 MW, which includes mini hydel and micro hydel plants.

XVI. **"State"** means the State of Chhattisgarh.

XVII. **"State Agency"** means the agency designated by the Commission from time to time to act as the agency for accreditation and recommending the renewable energy projects for registration and to undertake functions under these Regulations;

XVIII. **"Year"** means a financial year.

2.2 Words and expressions used and not defined in these Regulations but defined in the Act shall have the meanings assigned to them in the Act. Expressions used herein but not specifically defined in these Regulations or in the Act but defined under any law passed by a legislature and applicable to the electricity industry in the state shall have the meaning assigned to them in such law. Expressions used herein but not specifically defined in the Regulations or in the Act or any Law passed by a competent legislature shall have the meaning as is generally assigned to them in the electricity industry.

3. Obligated Entities and Operating Period:

The minimum percentage as specified under Regulation 4.3 shall be applicable to all Distribution Licensees in the State of Chhattisgarh as well as to open access consumers and captive users within the State of Chhattisgarh, subject to following conditions:

I. Any person who is a captive user (from other than renewable energy based power generating plant) with connected load of 1 MW and above (or such other capacity as may be stipulated by order(s) of the Commission from time to time); shall be subjected to minimum percentage of Renewable Purchase Obligation (RPO) to the extent of its consumption met through such captive source.

II. Any person having a contract of not less than 1 MW and who consumes electricity procured from other than renewable energy source based power generation through open access as per Section 42(2) of the Act or co-located shall be subjected to minimum percentage of RPO to the extent of its captive consumption. Energy purchased through open access or through co-located renewable energy source based power generating plants shall be accounted for energy under RPO.

III. Any open access consumer who also avails part of its power requirement from distribution licensee shall also be subjected to minimum percentage of RPO to the extent of his consumption met through such open access source.

Provided that the Commission may, by order(s), revise the minimum capacity referred to under sub-clause (I) and sub-clause (II) above from time to time.

The RPO framework outlined under these Regulations shall commence from the date of notification of these Regulations and shall generally be applicable until March 31, 2013 (i.e., upto the financial year 2012-13). The RPO specified for the Financial Year 2012-13 shall be continued beyond 2012-13 till any revision is effected by the Commission in this regard.

4. Quantum of Renewable Purchase Obligation (RPO) for Obligated Entity.

4.1 Licensee(s) shall purchase a minimum percentage of their total consumption of electricity from renewable energy sources, during a financial year in their respective areas of distribution, from the power stations generating electricity from various renewable sources of energy.

4.2 Similarly, Captive user(s) and Open Access consumer(s) coming under the definition of obligated entity shall purchase a minimum percentage of their total consumption of electricity from renewable energy sources, during a financial year

4.3 The defined minimum percentages of RPO are given below in the Table 1.

Table 1: Minimum quantum of electricity to be procured by Obligated Entity as percentage of total consumption

Year	Solar	Non Solar			Grand Total
		Biomass	Other RE (hydel, wind etc)	Total	
2010-11	0.25%	3.75%	1.00%	4.75%	5.00%
2011-12	0.25%	3.75%	1.25%	5.00%	5.25%
2012-13	0.50%	3.75%	1.50%	5.25%	5.75%

Provided that subject to the overall purchase obligation, the obligated entities may, for sufficient reasons and with the approval of the Commission, vary the percentage of purchase from one or more of renewable sources of energy and make good the shortfall in purchase from one source by purchase from another source only for the year 2010-11. In the subsequent years (after year 2010-11), the obligated entities may make good the shortfall in purchase from one source to another source only within non solar renewable energy sources.

Provided further that such obligation to purchase renewable energy shall be inclusive of the purchases, if any, from renewable energy sources already being made by the obligated entity concerned.

Provided also that the power purchases under the power purchase agreements (PPA) for the purchase of renewable energy sources already entered into by the distribution licensees shall continue to be made till their present validity, even if the total purchases under such agreements exceed the percentage as specified herein above.

Provided further that the Distribution Licensees shall include the plan for procurement of power from RE sources under its long-term power procurement plan to comply with minimum RPO target as stipulated above.

4.4 Such purchase shall be made at tariffs determined by the Commission from time to time. Purchase already contracted by the licensees as per the orders of the Commission for biomass-based power plants, small hydel plants or solar power plants in the State shall be reckoned for the purpose of the purchase obligation given above.

4.5 While indicating the quantum of purchase from renewable sources, the distribution licensee(s) shall indicate the sources from which purchase of the specified quantum is planned. The distribution licensee(s) shall as far as possible shall source the proposed quantum of electricity from renewable sources within their respective areas of supply. However, non availability of such sources in the distribution licensee's area will not be accepted as a ground for exemption from the purchase

obligation or for reduction in the quantum required to be purchased as per these regulations.

4.6 Every "Obligated Entity" may meet its RPO target by way of its own generation or procurement of power from RE developer or by way of purchase from other licensee or by way of purchase of Renewable Energy Certificate (REC) or by way of combination of any of the above options.

4.7 While contracting new sources, priority shall be given to the date of commercial operation of the generating stations.

4.8 The obligated entity may ensure adequate payment security mechanism for purchase of energy from renewable sources.

4.9 The Commission shall review the purchase obligation from renewable sources of obligated entity(s) after three years. The purchase obligation as under clause 4.3 above shall be valid till it is revised by the Commission.

4.10 Non-compliance of purchase obligation under clause 4.3 shall be treated as a violation of these regulations and punishable under the provisions of Section 142 of the Act.

5. Certificates under the Regulations of the Central Commission

5.1 Subject to the terms and conditions contained in these Regulations, the Certificates issued under the Central Electricity Regulatory Commission's (Terms and Conditions for recognition and issuance of Renewable Energy Certificate for Renewable Energy Generation) Regulations, 2010 shall be the valid instruments for the discharge of the mandatory obligations set out in these Regulations for the obligated entity to purchase electricity from renewable energy sources.

Provided that in the event of the obligated entity fulfilling the renewable purchase obligation by purchase of certificates, the obligation to purchase electricity from generation based on renewable energy other than solar can be fulfilled by purchase of non-solar certificates and the obligation to purchase electricity from generation based on solar as renewable energy source can be

fulfilled by purchase of solar certificates only during the control period except for the year 2010-11.

5.2 Subject to such direction as the Commission may give from time to time, the obligated entity shall act consistent with the Central Electricity Regulatory Commission's (Terms and Conditions for recognition and issuance of Renewable Energy Certificate for Renewable Energy Generation) Regulations, 2010 notified by the Central Commission with regards to the procurement of the certificates for fulfilment of the RPO under these Regulations.

5.3 The photocopy of Renewable Energy Certificates (duly attested by any charted account) purchased by the obligated entity from the power exchange in terms of the regulations of the Central Commission mentioned in clause 5.1 and 5.2 of these Regulations shall be produced by the obligated entities to the Commission within 15 days of its purchase.

6. State Agency

6.1 An agency designated by the Commission is the State Agency for accreditation and recommending the renewable energy projects for registration shall undertake functions under these Regulations.

6.2 The State Agency shall function in accordance with the directions issued by the Commission and shall act in accordance with the provisions of the Central Electricity Regulatory Commission (Terms and Conditions for recognition and issuance of Renewable Energy Certificate for Renewable Energy Generation) Regulations, 2010.

6.3 The State Agency shall develop suitable protocol for collection of information from various sources such as renewable energy generating companies, obligated entities, SLDC, chief electrical inspector etc., on regular basis and compile such information to compute the compliance of RPO target by such Obligated Entities.

6.4 The summary statement of RE procurement and RPO compliance by different Obligated Entities shall be published by the State Agency on cumulative basis quarterly by 15th of next month on its website.

6.5 The State Agency shall submit quarterly status by 15th of next month to the Commission in respect of compliance of renewable purchase obligation by the obligated entities in the format as stipulated by the Commission and may suggest appropriate action to the Commission, if required, for compliance of the renewable purchase obligation.

6.6 The Commission may from time to time fix the remuneration and charges payable to the State Agency by an order for discharge of its functions under these Regulations if required.

6.7 If the Commission observes that the State Agency is not able to discharge its functions satisfactorily, it may by general or special order, and by recording reasons in writing, designate any other agency to function as State Agency as it considers appropriate.

7. Distribution Licensee(s)

7.1 Each distribution licensee shall indicate, along with sufficient proof thereof, the estimated quantum of purchase from renewable energy sources for the ensuing year in tariff/ annual performance review petition in accordance with Regulations notified by the Commission. The estimated quantum of renewable energy purchase shall be in accordance with clause 4.3 of these Regulations of the approved power purchase quantity for the ensuing year(s). In the event of the actual consumption in the license area being different from that approved by the Commission, the RPO in MUs shall be deemed to have been modified in accordance with percentages fixed in clause 4.3 of these Regulations. If the distribution licensee is unable to fulfil the obligation, the shortfall of the specified quantum of that year would be added to the specified quantum for the next year.

7.2 If the distribution licensee fails to fulfil the minimum quantum of purchase from renewable energy sources, it shall be liable for action as per clause 9 of these Regulations.

8. Captive User(s) and Open Access Consumer(s)

8.1 The quantum of RPO mentioned in clause 4.3 of these Regulations shall be applicable to captive user(s) and open access consumer(s) from the

date as would be notified in the Official Gazette. Captive user(s) and open access consumer(s) may fulfil its RPO through the Renewable Energy Certificates as provided in clause 4 above.

8.2 Every Captive user(s) and open access consumer(s) shall have to submit necessary details regarding total consumption of electricity and purchase of energy from renewable sources for fulfilment of RPO on quarterly basis to the State Agency.

8.3 If the Captive user(s) and Open Access consumer(s) are unable to fulfil the criteria, the shortfall of the targeted quantum would attract compensation as per clause 9 of these Regulations.

9. Consequences of default

9.1 If an obligated entity does not fulfil the renewable purchase obligation as provided in these Regulations during any year and also does not purchase the RECs, the Commission may direct the Obligated Entity to maintain a separate fund for such amount as the Commission may determine on the basis of the shortfall in units of RPO and the forbearance price decided by the Central Commission.

Provided that the fund so created shall be utilised, as may be directed by the Commission.

Provided that the obligated entities shall not be authorized to use the fund created in pursuance of the above, without prior approval of the Commission.

Provided further that the Commission may empower an officer of the State Agency to procure from the Power Exchange the required number of certificates to the extent of the shortfall in the fulfilment of the obligations, out of the amount in the fund.

Provided also that the obligated entity shall be in breach of its RPO Obligation, if it fails to deposit the amount directed by the Commission within specified time from the communication of the direction.

Provided that in case of any genuine difficulty in complying with the renewable purchase obligation because of non-availability of power from renewable energy sources or the RECs, the obligated entity can

approach the Commission to carry forward the compliance requirement to the next year only.

Provided further that where the Commission has consented to carry forward of compliance requirement, the provision regarding creation of such fund as specified above shall not be applicable.

10. Non Availability of Renewable Energy Certificate

10.1 In the event of non compliance of the RPO by distribution licensees by any of the modalities as specified above as per the orders of the Commission, from non-solar renewable energy plants or solar power plants in the State, the distribution licensee whose purchase of renewable energy is maximum during the year shall be compensated by other distribution licensees so that percentage of renewable energy consumption by all the distribution licensees functioning in the State become equal.

Explanation - for the purpose of this Regulation, the compensation shall mean the sharing of differential of average cost of RE power purchase and average cost of Non RE power purchase of distribution licensee, which is to be compensated for the year under consideration calculated as per following example. For the example the year under consideration for RPO has been taken as year 2010-11;

Name of the licensee	Annual energy consumption of FY 10-11, MUs	Applicable RPO to be met including solar & non solar for FY 10-11, MUs	RE actual purchased during FY 10-11, Mus	RPO actually met for year 2010-11 during FY 2011-12, MUs	Total actual RPO purchase for the FY 2010-11 at the end of FY 2011-12, MUs	% RPO of year 2010-11 met by end of year 2011-12	Eq. MUs for differential cost computation	Shortfall of actual purchase of RE considering actual average RPO, MUs
	A	B= A*5%	C	D	E= C+D	F= E/A	G= A* % of (ΣE/ΣA)	H=G-E
Licensee -A	15000	750	600	5	605.0	4.0%	585.5	--19.5
Licensee -B	700	35	4	7	11.0	1.6%	27.3	16.3
Licensee -C	210	10.5	2	3	5.0	2.4%	8.2	3.2
Total	15910	795.5	606	15	621.0	3.9%	621.00	

Annual energy consumption by three licensees for the year 2010-11 is 15910 MUs (total of three licensees A, B & C) and total actual RE purchased by all the licensees for the year 2010-11 is 621 MUs i.e.

together all the licensees have met 3.9% RPO in the State, where as RPO percentage target for the Year 2010-11 is 5%. Individually licensee-A, B & C could finally make RPO as 4%, 1.6% & 2.4% respectively for the year 2010-11 by all the modes of RE purchase as specified above, which is well below the RPO target.

Though none of licensee could meet the RPO for the year 2010-11, it will be proper that licensee-A, which has procured more than average RPO purchased during the year, should be paid differential cost by other licensee(s) who met RPO lesser than average during the year (3.9%). The sharing obligation will be (-)19.5 MUs for licensee-A, 16.3 MUs for licensee-B and 3.2 MUs for licensee-C. Licensee-B will pay to licensee -A equivalent to 16.3 MUs at the rate of differential of average cost of RE power purchase and average cost of Non RE power purchase by licensee - A for year under consideration i.e. 2010-11. Similarly licensee-C will pay for 3.2 MUs to licensee-A at the rate of differential of average cost of RE power purchase and average cost of Non RE power purchase by licensee - A for year under consideration i.e. 2010-11.

Further if average cost of RE purchase for the year 2010-11 in respect of distribution licensee- A is Rs. 5.40 per unit and average cost of non RE purchase by distribution licensee- A is Rs. 3.90 per unit than differential cost will be Rs. 1.50 per unit (5.40-3.90). Licensee- B will pay to licensee -A Rs. 244.83 Lakh (16.3 MU X 1.5 Rs./kWh). Similarly licensee -C will pay to licensee -A Rs. 47.95 Lakh (3.2 MU X 1.5 Rs./kWh).In case the average cost of RE purchase in respect to licensee-A is lesser than the average cost of non-RE purchase, then no compensation will be payable to licensee-A by licensee-B and licensee-C.

The above payments will be made as per the directions of the Commission and will be considered in Annual Revenue Requirement of concerned licensee.

11. Priority for Grid Connectivity

11.1 Any person generating electricity from renewable energy sources, irrespective of installed capacity, shall have priority for open access,

connectivity with distribution system or grid as the case may be. On an application from such person, the transmission licensee or distribution licensee shall provide appropriate interconnection facilities, as far as feasible, before commissioning of the renewable energy project. Such interconnection shall follow the grid connectivity standards as specified in the Indian Standard Grid Code, State Grid Code and/or the manner prescribed by the Central Electricity Authority.

12. Renewable Energy Pricing

12.1 All the new renewable energy projects commissioned during the Control Period as specified above, shall have an option of following either the tariff structure and other conditions as stipulated in the Chhattisgarh State Electricity Regulatory Commission (Terms and Conditions for determination of generation tariff and related matters for electricity generated by plants based on non-conventional sources of energy) Regulations, 2008 and its review/amendments from time to time and/or adopt the REC mechanism for pricing of the electricity generated from the project.

Provided that such a renewable energy generating plant having entered into a power purchase agreement for sale of electricity at a preferential tariff shall not, in case of premature termination of the agreement, be eligible for participating in the Renewable Energy Certificate (REC) scheme for a period of three years from the date of termination of such agreement or till the scheduled date of expiry of power purchase agreement whichever is earlier, if any order or ruling is found to have been passed by an Appropriate Commission or a competent court against the generating company for material breach of the terms and conditions of the said power purchase agreement.

Provided that such projects that opt for either preferential tariff or REC mechanism or the mix there of, shall have to continue with the selected pricing mechanism for the entire Tariff Period or until validity of PPA, whichever is later, as outlined under Chhattisgarh

State Electricity Regulatory Commission (Terms and Conditions for determination of generation tariff and related matters for electricity generated by plants based on non-conventional sources of energy) Regulations, 2008 and its review/amendments from time to time.

Provided further that such new renewable energy project shall exercise its choice for selection of appropriate Pricing Mechanism prior to execution of the PPA with distribution licensee or with open access consumer, as the case may be.

12.2 The REC mechanism entails pricing of two components, namely, electricity component and renewable energy component or REC component representing environmental attributes of renewable energy generation. For the purpose of the Operating Period from FY 2010-11 to FY 2012-13, the effective electricity component price for the year shall be equivalent to Pooled Cost of power purchase excluding renewable energy of the host Utility for the previous year in whose area of jurisdiction such RE generation project is situated, whereas, the price of RECs shall be as discovered in the Power Exchange.

Explanation - for the purpose of this Regulation, "Pooled Cost of Power Purchase□ means the weighted average pooled price at which the distribution licensee has purchased the electricity including cost of self generation, if any, in the previous year from all the long-term and short-term energy suppliers, but excluding those based on renewable energy sources, as the case may be.

Provided that the Central Commission may, in consultation with the Central Agency and Forum of Regulators, from time to time provide for the floor price and forbearance price separately for solar and non-solar RECs (renewable energy component);

Provided further that, with the progressive development of the electricity sector, the pricing methodologies for Electricity component and REC shall be reviewed at periodic intervals as may be considered by the appropriate Commission.

12.3 Tariff rate, tariff structure and other conditions for existing renewable energy project(s) have already been covered under respective renewable energy Tariff Orders issued by the Commission and the same shall continue to be operative as amended from time to time during the Operating Period, FY 2010-11 to FY 2012-13.

12.4 The consumers procuring power from RE sources through open access route shall be required to pay cross-subsidy surcharge as per condition of the open access regulations as specified by the Commission. However, no banking facility shall be provided for supply (third party sale) from renewable energy sources through open access.

13. Power to remove difficulties

The Commission may either suo motu or on an application from any person, review these regulations and pass appropriate orders to remove any difficulty in exercising the provisions of these regulations.

14. Power to Amend

The Commission may from time to time add, vary, alter, modify or amend, in provisions of these regulations and pass appropriate orders.

15. Repeal

After issuance of these regulations the previous regulations namely Chhattisgarh State Electricity Regulatory Commission (Procurement of Power from renewable sources of energy by distribution licensees) Regulations, 2008 shall stand repealed automatically. However Power Procurement Agreement(s) already executed as per previous Regulations of 2008 shall be further governed by these Regulations.

By order of the Commission,

N. K. RUPWANI, Secretary.

Raipur , the 4th March 2011

No. 38/CSERC/2011. — In exercise of the powers vested in the Commission under the provisions of sub- sections (5), (6) and (7) of Section 42 read with clauses (r) and (s) of sub-section (2) of Section 181 of the Electricity Act, 2003 (36 of 2003) (the Act), and in pursuance of the provisions of Electricity Rules, 2005, as amended, the Chhattisgarh State Electricity Regulatory Commission had notified the regulations namely Chhattisgarh State Electricity Regulatory Commission (Redressal of grievances of consumers) Regulations, 2007 on 22nd December, 2007. Forum of Regulators (FOR) constituted under section 166 (2) of the Act has now prepared and circulated draft of the model regulations for protection of consumer interest. Considering the difficulties experienced and the provisions made in the abovesaid draft of model regulations, for the purpose of bringing improvement in mechanism for redressal of grievances of consumers, the Commission hereby makes the following regulations providing for guidelines to the licensees in the State of Chhattisgarh for setting up a comprehensive system of redressal of consumers' grievances, including setting up of Forums for Redressal of Grievances, appointment of Electricity Ombudsman by the Commission, and the procedure to be followed for redressal of grievances by the Forums and Electricity Ombudsman, and for matters incidental and ancillary thereto. These regulations shall supersede the earlier regulations on the subject notified by the Commission on 22nd December, 2007.

Chhattisgarh State Electricity Regulatory Commission (Redressal of grievances of consumers) Regulations, 2011

CHAPTER 1: SHORT TITLE AND COMMENCEMENT

Short Title and Commencement

1. These regulations shall be called the Chhattisgarh State Electricity Regulatory Commission (Redressal of grievances of consumers) Regulations, 2011.

2. These regulations shall be applicable to all distribution licensees in Chhattisgarh in their respective licensed areas.

3. These shall come into force from the date of their publication in Chhattisgarh Rajpatra.

Definition

4(1) In these regulations, unless the context otherwise requires:

(a) **"Act"** means the Electricity Act, 2003 (No. 36 of 2003) and its amendments;

(b) **"Aggrieved person"** or "**complainant**" means and includes the following who have a grievance or a complaint as defined in (e) below:

(i) a consumer as defined under clause (15) of section 2 of the Act;

(ii) an applicant for a new electricity connection;

(iii) any association or group of consumers, where the consumers have common or similar interests; and

(iv) in case of death of a consumer, his legal heir(s) or representative(s).

(c) **"Chairperson"** means the Chairperson of the Forum;

(d) **"Commission"** means the Chhattisgarh State Electricity Regulatory Commission constituted under section 82 of the Act.

(e) **"Grievance" or "Complaint"** means a grievance or complaint regarding any of the following:

(i) Interruption in power supply;

(ii) voltage related complaints;

(iii) load shedding (unscheduled outage);

(iv) meter reading related complaints;

(v) electricity bill related complaints not relating to unauthorized use and theft of electricity covered under sections 126 and 135 of the Act;

(vi) disconnection and reconnection of power supply;

(vii) delay in release of new connection;

(viii) non-achievement of standards of performance as laid down by the Commission for distribution licensees and payment of compensation there of; and

(ix) any other grievances relating to damage to consumer's equipment / network / premises; requests for reduction/ enhancement in load / demand; non-payment of interest on security deposit or recovery of excessive charges for any services; etc.

(f) **"Forum"** means a forum for redressal of grievances of consumers', constituted by each licensee in terms of sub-section (5) of section 42 of the Act.

(g) **"Licensee"** in these Regulations means a distribution licensee and shall include Chhattisgarh State Power Distribution Co. Ltd.

(h) **"Ombudsman (Lokpal)"** means an authority appointed or designated by the Commission, under sub-section (6) of Section 42 of the Act.

(i) **"Rules"** means the Electricity Rues, 2005 as amended from time to time.

4(2) Words and expressions used in these regulations but not defined above shall have the same meaning as in the Act or in the CSERC (Conduct of Business) Regulations, 2009.

CHAPTER 2: REDRESSAL OF CONSUMER GRIEVANCES: INSTITUTIONAL MECHANISM

CONSUMERS' RIGHTS AND GRIEVANCE REDRESSAL

5. Every consumer of the licensee is entitled to the most economic and efficient service confirming to the standards laid down by the Commission in CSERC (Standards of performance in distribution of electricity) Regulations, 2006 and as amended from time to time.

6. The licensee shall make effective use of Information Technology (IT) for redressal of consumer grievances. It shall also set up assistance / call centres at major consumer centres for centralised receipt and monitoring of redressal of consumer's complaints/ grievances and for general assistance to consumers, with the help of IT.

7. For expeditious resolutions of problems of complainant if any mechanism is existing within the licensee, other than Forum established under these regulations, may be retained.

Forum for Redressal of Consumers' Grievances (Forum)

8. Every licensee, shall within six months from the date of grant of distribution licence, establish, in terms of sub-section 5 of section 42 of the Act, one or more Forum(s) for redressal of grievances of consumers in accordance with these regulations, with the approval of the Commission.

9. The number of Forums, their locations and the area of their jurisdiction may be decided by the licensee, with the approval of the Commission.

Constitution of the Forum, appointment of members, tenure

10. The Forum shall consist of not more than three members of which two may be appointed by the licensee and one independent member may be nominated by the Commission. The members of Forum shall be persons of experience, ability, integrity and repute. The composition of the Forum shall be as following:

(a) A maximum of two full-time members may be appointed by the licensee from out of the following:-

(i) A Senior working / retired officer of the licensee who possess a degree in Electrical Engineering and have at least 20 years' experience in the field of distribution of electricity; and

(ii) A working / retired officer of the licensee, having at least 15 years experience in finance/accounts/legal matters / engineering in the electricity sector.

The Commission shall verify to its satisfaction the eligibility criteria of the members mentioned (i) and (ii) above.

(b) One independent member to be nominated by the Commission who may be a representative of consumer association/ Non-Govt. Organisation actively engaged in consumer advocacy, or a person familiar with consumer affairs. However, he should not have worked as employee/officer of the licensee concerned at least two years prior to his nomination.

(c) The member at 10(a) (i) above shall be the chairperson of the Forum.

11. (a) The member(s) at 10(a)(i) and 10(a)(ii) above shall be appointed by the licensee for a period of 2 years which can be extended for the further period upto two years. These members shall not be replaced during this period, except with the prior approval of the Commission. However in case of regular employee of the licensee, he will demit office of Forum from the date of his superannuation from the service of licensee.

The age of any member at the time of appointment should not be more than 63 years, and can work up to the age of maximum 65 years. The member of Forum at 10(b) may be a part time member and shall be nominated by the Commission for a period of two years.

(b) The members of the Forum appointed by the licensee shall not hold any other office, during their tenure in the Forum.

(c) A member may be removed from his office by the appointing/nominating authority, if

i. he is adjudged an insolvent; or

ii. he is convicted of an offence which involves moral turpitude; or

iii. he has become physically or mentally incapable of acting as member; or

iv. having acquired such financial or other interest which is likely to affect prejudicially his functioning as a member; or

v. has abused his position so that his continuance in office is considered prejudicial to the public interest; or

vi. has been guilty of misbehaviour, or

vii. has been negligent to his duties and/or not attending to the work of the Forum, without any valid reason.

(d) No member of the Forum as at Regulation 10(a) and 10(b) shall be removed from his office on the grounds specified in (iv) to (vii) of sub clause (c) above, except on the recommendation of the Ombudsman on an enquiry conducted by him on the request of the licensee and/or on the direction of the Commission. In case of the member nominated by the Commission as at Regulation 10(b), the enquiry shall be conducted by the Ombudsman only on the direction of the Commission.

(e) Any member of the Forum (other than the regular employee of licensee) may relinquish office by giving in writing to its employer / nominating authority a notice of not less than one month.

12. On occurrence of any vacancy in the Forum for any reason, the licensee shall take action to fill up the vacancy within a month of the date of occurrence of the vacancy.

Procedure before the Forum

13. The quorum for meeting of the Forum shall be two, and each member shall have one vote and in case of equality of votes on any issue, the chairperson shall have a casting vote.

14. All decisions of the Forum shall, as far as possible, be unanimous or be on the basis of decision by majority of the members present.

15. No act or proceeding of the Forum shall be deemed to be invalid by reason only of some defect in the constitution of the Forum or by reason of the existence of a vacancy among its members.

Process for submission of grievance before Forum

16. Grievances/complaints may be submitted to the Forum by the aggrieved person(s) either in person or by post. The Forum shall maintain true and correct record of all complaints received by it.

17. To facilitate the consumers the licensee may establish a "**complaint receiving and redressal centre**" at O&M / city circle level, by nominating an officer as nodal officer. The complaint / grievances meant for Forum may also be collected at these centres, and acknowledgment issued to complainant. The complaints / grievances shall be forwarded by the nodal officer to the respective Forum at least once in a week i.e. within maximum period of seven days. In the mean time nodal officer also shall endeavour to resolve the grievance of the consumer by contacting the respective officer(s) of the utility. The complainant shall have right to approach Forum directly.

18. A complaint/grievance may be submitted to the Forum in writing in a plain paper containing the following informations: - (i) Name and full postal address, telephone / mobile number of aggrieved person, (ii) centre / office of licensee with which the grievance is related, (iii) type of electrical connection and connection number, (iv)details of grievance(s), (v) nature of relief sought (vi) declaration that the complaint is not pending before any other Commission / other Forum, court, etc. and (vii)signature of the aggrieved person.

19. The office of the Forum /complaint receiving and redressal centre shall issue acknowledgment of the receipt of the grievance/complaint to the person presenting it in person at the time of presenting the grievance/complaint, or by post if complaint is received by post, indicating the receipt number and date of receipt. An acknowledgement sent by post, shall be sent within two working days.

Limitation / precondition for submission of grievances to Forum

20. In case of billing complaints the Forum may receive only such complaints, where the disputed amount is more than Rs.1,000/ (excluding cases where the disputed amount is due to arithmetical or clerical errors) in case of HT/LT industrial and non-domestic consumers, and where the disputed amount is more than Rs. 500/-, (excluding cases where the disputed amount is due to arithmetical or clerical errors) in case of domestic / agriculture and agriculture allied consumers.

21. The Forum shall take up all consumer grievances for redressal except those pertaining to:-

(i) Adjudication of the disputes between the licensees and generating companies.

(ii) unauthorised use of electricity as defined in section 126 and 127 of the Act;

(iii) offences and penalties under section 135 to 139 and 152 of the Act; and

(iv) accidents and inquiries as specified under section 161 of the Act unless authorised by the State Government by general/special order.

Explanation:

Filing of a grievance before a Forum shall not in any way prejudice the right of a consumer to seek relief/compensation under section 57 of the Act.

22. The Forum shall not take up cases where proceedings in respect of the same matter and between the same aggrieved person and the licensee, are pending before any court, tribunal, Commission, arbitrator or any other competent authority, or in respect of which a decree or award or a final order has already been passed by any such court, tribunal, Commission, arbitrator or authority.

Investigation and hearing process by Forum

23. (a) On receipt of a grievance the Forum should register it, allot and convey the registration number to the complainant within two working days of the receipt of the grievance. The Forum should first satisfy itself if a grievance is prima facie made out. If, it is found that there is a grievance, which needs to be redressed, it will not reject any application only on technical grounds. In case it is found that the complaint is frivolous or prima facie without substance, the Forum shall send a reply to the complainant indicating reasons for not considering the complaint / grievance within four working days from the date of receipt of the complaint. The consumer may, however, be given an opportunity of being heard subsequently, if complainant so desires.

(b) A notice along with a copy of complaint shall be issued by the Forum within three days of the receipt of the grievance to the concerned officer of the licensee, asking him to send his point wise reply by a day not later than fifteen working days from the date of issue of the notice, as to (i) whether the grievance can be redressed by him and (ii) if it can not be redressed, the reasons thereof.

(c) The Forum can call the officer concerned of licensee for discussion in suitable case(s), in order to seek redressal of the grievance filed before it. In case the matter is settled in discussion, it may be recorded as a decision and conveyed to the complainant and the licensee.

(d) In case the Forum comes to the conclusion that the complainant and the concerned officer of the licensee are required to be heard for redressal of the grievance, it shall call the complainant and the concerned officer with the details of the case and documents, if any, as may be necessary.

(e) (i) If the concerned officer of the licensee, on receipt of a copy of the complaint referred to him under Regulation 23 (b) above, fails to take any action or submit reply, within the time given by it, the Forum may proceed to settle the grievance ex-parte on the basis of evidence brought before it by the aggrieved person.

(ii) In case of default in attendance in course of the proceedings, the Forum may proceed to settle the grievance on the basis of evidence submitted to it by the aggrieved person and the concerned officer of the licensee up to that time.

(f) No adjournment shall ordinarily be granted by the Forum unless sufficient cause is shown and the reasons for grant of adjournment have been recorded in writing by the Forum; If the aggrieved person fails to appear on the date of hearing, the Forum may either dismiss the complaint in default or decide it on merits ex-parte. In case of non-appearance of representative/official of licensee on the date of hearing the Forum may decide it on merits ex-parte.

(g) The Forum may allow any association of consumers to file complaints on behalf of the consumer(s).The Forum may permit a representative of any consumer association / NGO dealing with consumer issues to remain present during hearings of any complaint by a consumer.

(h) It is not necessary for the aggrieved person/complainant to take assistance from an advocate. The complainant can plead its case itself or can take assistance of any person, which may include an advocate, or an association/society of which it is a member, or an NGO, for putting forth its case before the Forum. The complainant can take back its complaint at any stage of proceedings of case.

(i) The time limit for disposal of a complaint/redressal of grievance shall be forty five days of its registration. The Forum shall ensure that the time limit for disposal of a complaint is adhered to. In case of delay in any case, the Electricity Ombudsman shall be informed by Forum giving the reasons in detail for the delay.

(j) The Forum may call for any record from the respondent party or from the Complainant, as is relevant for examination and disposal of the grievance and both the parties shall be under obligation to provide such information,

document or record as the Forum may call for. Where a party fails to furnish such information, document or record and the Forum is satisfied that the party in possession of the record is withholding it deliberately, it may draw an adverse inference.

(k) The Forum may ask the concerned officer of the licensee to undertake an inspection or engage a third party to undertake an inspection, as may be required, for expeditious redressal of the grievance. The Forum can also engage a third party (other than the licensee) at the instance and request of the aggrieved person, to undertake inspection and obtain an independent report. The Forum shall record the reasons for the need for such third party inspection, which should generally be resorted to rarely and keeping in view the special circumstances of a case. The expenses of such third party inspection, except expenses of inspection at the request of the aggrieved person, shall be borne by the licensee, and to the extent reasonable and justifiable such expenses shall be allowed in the determination of tariff in accordance with the relevant Regulations of the Commission. In case, inspection is taken up at the request of the aggrieved person, the expenses shall be deposited in advance by him, which may or may not be refunded by the Forum depending on the complaint being found to be of substance or not. If considered necessary, the Forum may inspect the electrical installation of consumer or licensee, and record the findings of such inspections.

(l) The language of the proceedings of the Forum shall normally be Hindi.

(m) The Forum shall not be bound to follow the procedure prescribed in the Civil Procedure Code, 1908 (Act 5 of 1908) or the Indian Evidence Act, 1872 (1 of 1872) in its proceedings. Subject to these Regulations the Forum may evolve procedures conforming to the principles of fair play and justice for efficient discharge of its functions.

24. The Forum may consult the higher authorities of the distribution licensee for settlement of any grievance, if required in any case.

Issue of order

25. The order of Forum should be consistent with provisions of the Act, Rules, Regulations and Codes notified by the Commission from time to time. It should be ensured that the orders issued by the Forum are clear, speaking, unambiguous and consistent with the provisions of the Act, Rules and Regulations and Codes issued by the Commission.

26. On receipt of the comments from the Licensee or otherwise and after conducting or having such inquiry or local inspection conducted as the Forum may consider necessary, and after according reasonable opportunity of hearing to the parties, the Forum shall take a decision by a majority of votes of the members of the Forum present, and in the event of equality of votes, the Chairperson shall have the second and casting vote.

If, after the completion of the proceedings, the Forum is satisfied after voting that any of the allegations contained in the grievance are correct, it shall issue an order to the Distribution Licensee directing it to do one or more of the following things in a time bound manner, namely -

a) to remove the cause of grievance in question;

b) to return to the Complainant the undue charges collected by the licensee. Forum may also direct licensee to pay the interest at the rate the licensee is required to pay interest to the consumers on the security deposited by the consumers with the licensee as per the relevant regulations of the Commission;

c) any other order, deemed appropriate in the facts and circumstances of the case.

Every proceeding shall be recorded. Decision given by the Forum shall be a reasoned order and signed by the members conducting the proceedings. The order may specify the time period within which it is to be complied by the concerned officer of the licensee.

27. In case, Forum is convinced that the complainant is entitled for receipt of compensation related to non fulfillment of standards of performance by the licensee as per the CSERC (Standards of Performance in distribution of electricity) Regulations, 2006 and its amendment(s) / revision from time to time then on request of the complainant, the Forum in its order may ask the distribution licensee to pay suitable compensation to the complainant as per provision(s) in above Regulations.

28. The Forum shall send the copy of the order to the aggrieved person, to the concerned officer of the licensee and to the next higher authority of the officer concerned of the licensee for information.

Special provision, Interim order, Review of order

29. The Forum may also issue interim orders on the request of the aggrieved person, as it considers appropriate, pending final disposal of the complaint.

30. The Forum may review its order suo motu, at any time on account of mistake or error apparent on the face of the record and on the application of any of the parties to the original proceedings within 30 days of the order on the following grounds:

(i) Discovery of new and important matter or evidence which, after the exercise of due diligence was not within the knowledge of the person seeking the review or could not be produced by it at the time the order was made; or

(ii) On account of improper interpretation of provisions of the Act/ Rules or Regulations / Codes notified by the Commission.

(iii) Any other sufficient reason.

Duty of licensee to ensure compliance of order(s) of the Forum

31. The concerned officer of the licensee shall comply with and implement the orders of the Forum within the period specified therein. In the absence of any such time limit, considering the nature of the case, compliance shall be ensured within the period of 30 days. In appropriate cases, considering the nature of case, the Forum, on the request of the aggrieved person/licensee may extend the period for compliance of its order up to a maximum period of 3 months. Non-compliance of the order of the Forum shall be treated as violation of Regulations of the Commission and shall be liable for action under section 142 of the Act. The Commission upon information received from Forum or any complaint regarding non compliance of order (s) of Forum filed by affected person may proceed under section 142 of the Act.

Reporting compliance of order

32. The concerned officer of the licensee shall furnish compliance report of the order of the Forum within seven days from the date of compliance, to the Forum, to the complainant and also to his next superior officer to whom copy of the order was endorsed by the Forum.

33. The Forum shall keep record of the compliance of its orders and review the same and shall submit report in this regard to Electricity Ombudsman every month. In case of non-compliance of its orders the Forum shall take up matter with the higher authorities of the licensee for compliance. If even after that the order is not complied with, the Forum shall inform the Commission regarding such non-compliance.

34. The Forum shall submit a quarterly report of disposal of grievances along with compliance of order to the licensee, the Ombudsman and the Commission, in the form as may be prescribed by the Commission. The report should be submitted within 15 days of the close of the quarter to which it relates. This report will be in

addition to the report required to be sent by the Forum to the Ombudsman / Commission under Regulation 33.

35. The Forum shall also furnish a yearly report containing a general review of activities of the Forum during the calendar year to the licensee, Commission and Ombudsman. The report should be submitted within 30 days of close of the calendar year to which it relates.

General

36. The chairperson shall have the general powers of superintendence and control over the Forum.

37. The Forum shall comply with such general directions as the Commission may issue from time to time in the interest of more efficient and effective redressal of grievances. Forum can also approach Commission regarding interpretation of regulations / codes notified and applicability of tariff in tariff order(s) issued by the Commission.

38. The licensee shall from time to time give due publicity about the Forum and its charter through advertisement in widely circulated local newspapers and in such other manner as it considers appropriate and as the Commission may direct, from time to time. The names of the members of the Forum, their addresses and phone numbers shall be displayed prominently at all the offices of the licensee which has interface with consumers and shall also be duly published, including on the electricity bills raised on the consumers.

39. The Forum is an institutional mechanism created by the licensee for redressal of the grievances of its consumers. It is, therefore, the responsibility of the licensee to empower it and take necessary measures to make it effective in the interest of its consumers. The licensee shall ensure that necessary instructions are issued to all concerned officers sensitising them about the Forum and its functions, and about their duty to comply with its orders promptly.

40. The licensee shall provide required supporting staff and appropriate office accommodation to the Forum.

41. The salary or honorarium and other allowances payable to the members shall be charged to the licensee who shall be responsible for timely and regular payment.

42. The licensee shall meet all the costs and expenses of the Forum including the cost of establishment and staff required to assist the Forum in the discharge of its functions under these regulations.

43. The expenditure on the Forum(s) will be considered in the revenue requirement of the licensee and will be allowed as a pass through expense.

CHAPTER 3: OMBUDSMAN (LOKPAL)

Appointment, qualification, tenure of Ombudsman

44. The Commission may, from time to time, appoint or otherwise designate such person, as it considers appropriate, as Ombudsman under sub section (6) of Section 42 of the Act read with rule 7 of the Rules.

45. The Commission shall appoint or designate an Ombudsman for the State of Chhattisgarh.

46. The Ombudsman shall be a person of experience, ability, integrity and repute. The Ombudsman shall be selected from amongst persons who have experience and exposure in any of the fields, such as legal affairs, engineering, industry, administration, management, defence services and consumer affairs, of not less than 20 years. The age of the person to be appointed as Ombudsman should not exceed sixty-three years at the time of first appointment, and can work upto age of maximum 65 years.

47. The Commission shall invite applications through public advertisement for appointment of the Ombudsman. The Commission shall form a selection committee for selecting the Ombudsman from all the applications received.

48. The Ombudsman appointed shall remain in office for a period of two years from the date he assumes office. The period of appointment may be extended beyond two years for a period upto two years at the discretion of the Commission.

49. The Ombudsman may relinquish office by giving in writing to the Commission a notice of not less than one month.

50. The Ombudsman shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860 (No. 45 of 1860).

51. The Ombudsman may be paid fixed fees or honorarium as may be decided by the Commission from time to time.

52. Where the Commission is satisfied that in the public interest, it is necessary to remove a person from the post of Ombudsman, the Commission may by giving one month's notice or by paying one month's consolidated fees or honorarium in lieu thereof, remove such person, if such person:

(i) has been adjudged an insolvent; or

(ii) has been convicted of an offence which involves moral turpitude; or

(iii) has become physically or mentally incapable of acting as Ombudsman; or

(iv) has acquired such financial or other interest as is likely to affect prejudicially his functionining as Ombudsman; or

(v) has so abused his position as to render his continuance in office prejudicial to the public interest; or

(vi) has been guilty of misbehaviour, or

(vii) has been negligent to his duties and/or not been attending office, without furnishing any valid reason.

Provided that no person shall be removed from office on any ground specified in clauses (iv),(v),(vi) & (vii) above unless the Commission has, on an inquiry held by it, concluded that the person ought to be removed on such ground or grounds.

Representation / appeal to the Ombudsman

53. An aggrieved person other than licensee not satisfied with the order of the Forum may make a representation to the Ombudsman within a period of forty five days from the date of receipt of such order.

Provided that, the Ombudsman may entertain a representation after the expiry of the said period of forty five days if he is satisfied that there is sufficient cause for not filing it within that period.

54. The Ombudsman shall not admit for consideration any representation if the subject matter of the representation is under consideration in a proceeding before the Commission, Appellate Tribunal for Electricity established under section 110 of the Act, or any court of law.

55. If the representation to the Ombudsman concerns payment of any bill raised by the licensee, it shall not be accepted unless the person making the representation has deposited with the licensee at least one third of the amount required to be paid by him in terms of the order of Forum.

56. A representation made to the Ombudsman shall -

(a) be in writing and signed by the person making it,

(b) give the name and address of the aggrieved person, along with telephone / mobile no.,

(c) contain the details of the complaint including copy of the order of the Forum, and,

(d) contain a declaration to the effect that the subject matter of the representation is not under consideration in any proceeding before the Commission/Appellate Tribunal for Electricity or any court of law.

57. The office of the Ombudsman shall acknowledge receipt of the representation in the following manner:-

i) If the representation is delivered personally, immediately on submission; and

ii) If the representation is received through post or courier, within two working days.

58. (1) The Ombudsman may at any time ask an aggrieved person making a representation -

(a) to provide further information or documents; or

(b) to verify all or any part of the representation on affidavit.

Provided further that the Ombudsman shall allow a reasonable period of time for compliance with the above requirements.

(2) The Ombudsman may permit the aggrieved person to plead his case himself or take the assistance of any person which may include an advocate or an association/society of which he is a member, or an NGO for putting forth his case

59. An aggrieved person may withdraw his representation at any time by making an application to the Ombudsman in writing for such withdrawal. The withdrawal shall take effect only when the Ombudsman agrees to such withdrawal.

Promotion of settlement by agreement

60. As soon as practicable to do so, but not later than one week from the date of receipt of a representation, the Ombudsman shall serve a notice to the concerned officer of the licensee along with a copy of the representation.

61. In suitable cases, the Ombudsman may endeavour to promote a settlement of the grievance through conciliation or mediation and in doing so, the Ombudsman may follow such procedure, as he considers appropriate.

Hearing of representation by Ombudsman

62. After registering the representation, the Ombudsman, within seven days of registration, shall call for records relating to the representation from the concerned Forum. The concerned Forum shall send the entire records within 3 days from the date of receipt of such notice to the office of the Ombudsman.

63. No adjournment shall ordinarily be granted by the Ombudsman unless sufficient cause is shown and the reasons for grant of adjournment have been recorded in writing by the Ombudsman; provided further that the Ombudsman shall make such orders as to the cost occasioned by the adjournment to be paid by the defaulting party to the non-defaulting party.

64. Subject to the provisions of the Act and these Regulations, the Ombudsman's decision whether a representation is fit and proper for being considered by it or not shall be final.

65. The Ombudsman shall decide the representation, only after providing the parties an opportunity of being heard.

66. The Ombudsman may require the licensee / aggrieved person, to furnish such documents, books of accounts information, data and details as may be required to decide the representation and the licensee / aggrieved person shall duly comply with such requirements.

67. The Ombudsman may direct the licensee to undertake an inspection or engage a third party to undertake such inspection with regard to any grievance, as may be required, for expeditious redressal of the grievance. The Ombudsman can also engage a third party (other than the licensee) on the request of the aggrieved person, to undertake inspection with regard to the complaint and obtain an independent report. This power may be exercised by the Ombudsman only when the facts and circumstances of the case merit third party inspection. The Ombudsman shall record the reasons for the need for such third party inspection, which should generally be resorted to rarely and keeping in view the special circumstances of a case. The expenses of such third party inspection except expenses of inspection at the request of the aggrieved person, shall be borne by the licensee, and to the extent reasonable and justifiable such expenses shall be allowed in the determination of tariff in accordance with the relevant Regulations of the Commission. In case of inspections at the request of the aggrieved person, the expenses shall be deposited in advance by the person, which may or may not be refunded by the Ombudsman depending on the complaint being found to be of substance or not.

68. The Ombudsman shall decide the representation within three months from the date of it's receipt. In the event the representation is not decided within three months, the Ombudsman shall record the reasons therefor.

69. The Ombudsman may reject the representation at any stage, if it appears to him that the representation is-

(i) frivolous, vexatious, malafide;

(ii) without any sufficient cause; or

(iii) not being pursued by the person making the representation with reasonable diligence.

70. The language of the proceedings of the Ombudsman shall normally be Hindi.

Orders by the Ombudsman

71. In case an agreement is reached and the grievance is redressed by such agreement between the aggrieved person and the licensee, the Ombudsman shall make a record of such agreement in the case as his order(s) and thereafter close the case

72. Where the representation is not settled by mutual agreement between the person aggrieved and the licensee, the Ombudsman shall proceed to hear the case and decide the place, the date and the time of such hearing.

73. The Ombudsman shall decide the representations on the pleadings of the parties, after providing them an opportunity of being heard. He shall pass a speaking order, which he considers fair in the light of the facts and circumstances of the case and principle of natural justice. The order shall clearly state the nature of relief the complainant is entitled to as per rule including monetary compensation if any. The order may specify time period within which it should be complied.

74. The order of Ombudsman should be consistent with provisions of the Act, rules, regulations and the codes notified by the Commission from time to time and general orders or directions given by the Govt. of Chhattisgarh / this Commission in this regard. It should be ensured that the order(s) issued by the Ombudsman are clear, speaking and unambiguous.

75. In case, Ombudsman is convinced that the complainant is entitled for receipt of compensation related to non fulfillment of standards of performance by the licensee as per the CSERC (Standards of Performance in distribution of electricity) Regulations, 2006 and its amendment(s)/revision from time to time then the Ombudsman in its order may direct the distribution licensee to pay suitable compensation to the complainant as per provision(s) in above Regulations.

76. A copy of the order shall be sent to the aggrieved person, concerned Forum, the concerned officer of licensee and its next higher authority.

77. The orders of the Ombudsman shall be final and binding on the parties. No party can file an appeal before the Commission against this order. However, the rights of complainant and licensee to file an appeal in front of the other judicial bodies (including but not limited to Appellate Tribunal for Electricity, Forums and

Commissions established under the Consumer Protection Act, 1986, High Court, Supreme Court, etc.) shall remain protected.

Special Provision, interim order, review of order

78. On request of complainant, the Ombudsman may issue such interim order at any stage during disposal of representation as it may consider necessary.

79. The aggrieved person or the licensee may prefer an application for review of the order to the Ombudsman, within thirty (30) days from the date of receipt of the order.

80. The Ombudsman may review his order(s) Suo motu at any time on account of mistake or error apparent on the face of the record. The Ombudsman may also review his order(s) on the following grounds on application of any of the party to original proceedings:

(i) Discovery of new and important matter or evidence which, after the exercise of due diligence was not within the knowledge of the person seeking the review or could not be produced by it at the time the order was made; or

(ii) On account of improper interpretation of provisions of the Act / Rules or Regulations / Codes notified by the Commission.

(iii) Any other sufficient reason.

Responsibility of licensee to ensure compliance with orders of Ombudsman:

81. The licensee shall comply with and implement the order of the Ombudsman within the period specified in the order or in the absence of any such time limit, within a period of 30 days. In appropriate cases, considering the nature of the case, the Ombudsman, on the request of the aggrieved person / licensee, can extend the period of compliance of order upto a maximum period of three months. The licensee shall report compliance to Ombudsman within seven days of the day the order of Ombudsman was complied with.

Ombudsman will review the compliance of his orders and compliance of orders of Forums every month and shall report non-compliance of his orders and orders of Forums, if any, to the Commission.

82. Non-compliance with the orders of the Ombudsman shall be treated as violation of the provisions of Regulations of the Commission. The Commission upon information received from the Ombudsman or any complaint regarding non-compliance of order(s) of Ombudsman filed by the affected person, may proceed under section 142 of the Act.

Submission of report

83. The Ombudsman shall submit to the Commission a quarterly report on disposal of cases by him. He shall also prepare a report on six monthly basis about the nature of the grievances of the consumers dealt by him, the response of the licensees in the redressal of the grievances and the opinion of the Ombudsman about the licensee's compliance or the standards of performance as specified by the Commission under Section 57 of the Act during preceding six months. This report shall be forwarded to the Commission and the State Government within 15 days of the end of every six months.

84. At the end of every calendar year the Ombudsman will also prepare a report bringing out the main features of the work done during the calendar year. The report shall be made available to the Commission within 30 days of completion of calendar year to which it pertains for inclusion in the annual report of the Commission prescribed under section 105 of the Act.

General

85. The Ombudsman shall exercise general powers of superintendence and control over his office and shall be responsible for the conduct of business of the office and shall also perform other functions as may be specified by the Commission.

86. The expenditure on Ombudsman shall be borne by the licensees. The Commission will prepare every year the budget for the Ombudsman in consultation with him. The Commission will indicate the respective share of expenditure, to be borne by each licensee to be released quarterly in advance.

87. The Ombudsman can also approach Commission regarding interpretation of regulations/codes/notified, and applicability of tariff as per tariff order(s) issued by the Commission.

CHAPTER 4 : MISCELLANEOUS

Powers to remove difficulties

88. If any difficulty arises in giving effect to any of the provisions of these regulations, the Commission may by general or special order, direct the licensee to take suitable action, not being inconsistent with the Act, which appears to it to be necessary or expedient for the purpose of removing difficulties.

89. The licensee may seek guidance or clarification from the Commission for removal of any difficulties that may arise in the establishment / functioning of the Forum as per these Regulations.

90. Nothing in these Regulations shall bar the Commission from adopting, in conformity with the provisions of the Act, a procedure, which is at variance with any of the provisions of these regulations, if the Commission, in view of the special circumstances of a matter or class of matters and for reasons to be recorded in writing, considers it necessary or expedient to do so.

91. Nothing in these Regulations shall, expressly or impliedly, bar the Commission dealing with any matter or exercising any power under the Act with regard to redressal of grievances of consumers for which no regulations have been framed, and the Commission may deal with such matters, powers and functions in a manner it thinks fit.

92. Nothing contained in these Regulations shall affect the rights and privileges of the consumer under any other law for the time being in force, including under the Consumer Protection Act, 1986 (68 of 1986).

Power to Amend

93. The Commission may, at any time vary, alter, modify or amend any provision of these regulations.

Repeal and Savings

94. (i) CSERC (Redressal of Grievances of Consumers) Regulations, 2007 are hereby repealed and replaced by these Regulations.

(ii) Notwithstanding such repeal, anything done or any action taken including any order passed or notice issued, any inspection done or any direction given under the repealed Regulations shall be deemed to have been done or taken under the corresponding provisions of these Regulations.

Note:, In case of any difference in the interpretation or understanding of the provisions of the Hindi version of these Regulations with those of the English version and in case of any dispute in this regard, the decision of the Commission shall be final and binding.

By order of the Commission,
N. K. RUPWANI, Secretary

संचालक, मुद्रण तथा लेखन सामग्री, छत्तीसगढ़ द्वारा शासकीय क्षेत्रीय मुद्रणालय, राजनांदगांव से मुद्रित तथा प्रकाशित—2011.